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Regulations

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 12—REMOVALS AND REDUCTION

RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

Section 12.302 (c) (11 F.R. 8205) which provided for the allowing of five points for an "Excellent" efficiency rating, three points for a "Very Good" efficiency rating, and one point for a "Good" efficiency rating is amended by the addition of a sentence as follows: "This paragraph shall be effective with respect to notices in reductions in force issued on and after September 15, 1946, or, with respect to individual agencies, at any date prior thereto at the option of the agency; *Provided*, That, with respect to ungraded positions under the Navy Department, this paragraph shall be effective on December 15, 1946."

By the United States Civil Service Commission.

[SEAL] **H. B. MITCHELL,**
President.

[F. R. Doc. 46-14454; Filed, Aug. 19, 1946; 11:10 a. m.]

PART 29—ESTABLISHMENT OF MAXIMUM STIPENDS FOR POSITIONS IN GOVERNMENT HOSPITALS FILLED BY STUDENT OR RESIDENT TRAINEES

MAXIMUM STIPENDS

Section 29.1 *Maximum stipends prescribed* (11 F. R. 8567) is amended as follows:

1. In the first sentence there is added to the list of positions for which maximum stipends have been approved: "student occupational therapists."

2. To the list of maximum stipends that have been approved there is added:

Occupational therapy interns (student occupational therapists)—approved clinical training in affiliation with an approved

school of occupational therapy, \$122.50 a month.

By the United States Civil Service Commission.

[SEAL] **H. B. MITCHELL,**
President.

[F. R. Doc. 46-14453; Filed, Aug. 19, 1946; 11:10 a. m.]

PART 53—RETIREMENT

PURCHASE OF ADDITIONAL ANNUITY

Section 53.14 (10 F.R. 4685) is amended to read as follows:

§ 53.14 *Purchase of additional annuity.*
(a) Voluntary contributions may be used to purchase only such types of annuity as are specifically defined by the act of May 29, 1930, as amended by the act of August 4, 1939.

(b) Any employee retiring under the provisions of the act of May 29, 1930, as amended, who has made voluntary contributions in the Civil Service Retirement and Disability Fund as authorized by Section 4 of the act of August 4, 1939, may purchase therewith at the time of retirement any one of the following types of annuity:

(1) Life annuity providing for return of unexpended principal; or,

(2) Increased annuity with forfeiture of unexpended principal; or,

(3) Reduced annuity of equivalent actuarial value with forfeiture of unexpended principal, payable during the life of the employee and after his death annuity in equal amount to be payable to his duly designated beneficiary during the life of said beneficiary. No election as provided by this subparagraph shall be effective in case an employee dies within thirty days after the effective date of retirement; or,

(4) Reduced annuity of equivalent actuarial value with forfeiture of unexpended principal, payable during the life of the employee and after his death one-half of such reduced annuity to be payable to his duly designated beneficiary

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during the life of said beneficiary. No election as provided by this subparagraph shall be effective in case an employee dies within thirty days after the effective date of retirement.

(c) Any natural person may be designated as beneficiary under option (3) or (4) of paragraph (b).

(d) The annuity values based upon the mortality tables submitted by the Board of Actuaries on November 24, 1939, are hereby approved for use in computing annuities based on voluntary contribu-

tions made under the provisions of the act of August 4, 1939, in the same way and manner as they are used in computing regular annuities.

By the United States Civil Service Commission.

[SEAL]

H. B. MITCHELL,
President.

[F. R. Doc. 46-14455; Filed, Aug. 19, 1946;
11:10 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[1946 CCC Peanut Bulletin 1]

PART 275—PEANUT LOANS

SUBPART—1946

This bulletin states the requirements with respect to the 1946 Peanut Loan Program formulated by Commodity Credit Corporation and the Production and Marketing Administration under which loans will be made available to producers on peanuts stored in approved warehouses in accordance with this bulletin.

Sec.	
275.0	Administration of program.
275.1	Availability of loans.
275.2	Eligible producer.
275.3	Eligible peanuts.
275.4	Eligible storage.
275.5	Approved forms.
275.6	Execution of CCC Commodity Form B.
275.7	Distribution of CCC Commodity Form B.
275.8	Determination of grade.
275.9	Determination of quantity.
275.10	Set-offs.
275.11	Loan rates.
275.12	Interest rates.
275.13	Transfer of producer's equity.
275.14	Personal liability.
275.15	Maturity.
275.16	Removal of the peanuts.
275.17	Release of the peanuts.
275.18	Purchase of notes.
275.19	Reports on repayments.

AUTHORITY: §§ 275.0 to 275.19, inclusive, issued under section 8 of the Stabilization Act of 1942, as amended (56 Stat. 767; 58 Stat. 632; 50 U.S.C. App. Supp. V 958); paragraph (b) of Article Third of the charter of Commodity Credit Corporation; and section 7 (a) of the act of January 31, 1935, as amended (15 U.S.C. Supp. V 713).

§ 275.0 *Administration of program.* The program will be administered by the Peanut Division, Fats and Oils Branch, Production and Marketing Administration. The following banks have been approved as lending agencies to make loans:

Farmers Bank of Nansemond, Suffolk, Virginia. For the Virginia-Carolina Area consisting of Virginia, North Carolina, Tennessee, and South Carolina north and east of the Santee, Congaree and Broad Rivers.

Citizens and Southern National Bank, Atlanta, Georgia. For the southeastern area consisting of Georgia, Alabama, Mississippi, Florida, South Carolina south and west of the Santee, Congaree and Broad Rivers, and Louisiana east of the Mississippi River.

First National Bank of Gorman, Gorman, Texas. For the southwestern area consisting of Texas, Oklahoma, Arkansas, New Mexico,

Arizona, California, and Louisiana west of the Mississippi River.

Forms may be obtained from approved warehouses in areas where loans are available or from the lending agency serving the area. Approved warehouses will determine or cause to be determined, the quantity and grade of the peanuts and the amount of the loan. All loan documents will be completed and approved (by signature in the space provided for the County Agricultural Conservation Committee) by the approved warehouse, which will retain copies of all documents. Names of approved warehouses may be obtained from the appropriate lending agency.

§ 275.1 *Availability of loans.* Loans shall be available to eligible producers on eligible peanuts stored in approved warehouses in the areas above specified through January 31, 1947.

§ 275.2 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity producing peanuts in 1946 as landowner, landlord, tenant, or share cropper.

§ 275.3 *Eligible peanuts.* Eligible peanuts shall be peanuts which meet the following requirements: (a) Such peanuts must be produced in 1946 by the producer tendering the peanuts for a loan.

(b) Such peanuts must be free and clear of all liens and encumbrances including landlord's liens, or if liens and encumbrances exist on the peanuts, proper waivers must be obtained.

(c) Such peanuts must be tendered for a loan by a person who is the owner of the peanuts and who has the legal right to pledge them as security for the loan.

(d) The beneficial interest in the peanuts must be in the person tendering the peanuts for a loan and must always have been in him or must have been in him and a former producer whom he succeeded before the peanuts were harvested.

(e) Such peanuts must be merchantable farmers' stock peanuts containing less than 7 percent damage. The term farmers' stock peanuts means peanuts in the shell which have been produced in the continental United States and which have not been cleaned, shelled, crushed or otherwise changed from their natural state after picking or threshing.

(f) Such peanuts must be stored in approved warehouses and must be represented by warehouse receipts on 1946 Crop CCC Peanut Form A.

§ 275.4 *Eligible storage.* To be approved, approved warehouses must meet the requirements of Commodity Credit Corporation. Warehousemen desiring approval should communicate with the peanut cooperative association serving the area in which the warehouse is located, as follows:

Peanut Cooperative Association and area served

Growers Peanut Cooperative, Inc., Franklin, Va.; Virginia-Carolina area as defined in § 275.0 hereof.

GFA Peanut Association, Camilla, Ga., Southeastern area as defined in § 275.0 hereof.

Southwestern Peanut Growers' Assoc., Gorman, Tex., Southwestern area as defined in § 275.0 hereof.

§ 275.5 *Approved forms.* The approved forms constitute the loan documents which govern the rights and responsibilities of the producer and should be read carefully. Any fraudulent representation made by a producer in obtaining a loan or in executing any of the loan documents will render him subject to prosecution under the United States Criminal Code.

Approved forms shall consist of note and loan agreements on CCC Commodity Form B secured by negotiable warehouse receipts on 1946 Crop CCC Peanut Form A representing the peanuts stored in approved warehouses. A separate note and loan agreement shall be prepared with respect to each warehouse receipt to be pledged.

Note and loan agreements must be dated on or prior to January 31, 1947 and executed in accordance with these instructions, with State and documentary revenue stamps affixed thereto where required by law. Note and loan agreements executed by an administrator, executor, or trustee will be acceptable only where legally valid.

§ 275.6 *Execution of CCC Commodity Form B.* Producer's note and loan agreement, CCC Commodity Form B shall be executed in quadruplicate as follows:

- (a) Insert the following information:
 - (i) Peanuts, under kind of commodity.
 - (ii) 1946, under year produced.
 - (iii) Spanish, Runner, Valencia, or Virginia, under type of loan.
 - (iv) Name of county and State in which peanuts were grown.
 - (v) Loan number in consecutive order prefixed by letters identifying the lending agency. This is to be inserted by the lending agency upon receipt by it after execution.
 - (vi) Name of producer and post office address, typed or printed, in spaces provided.
- (b) Completely execute note showing the lending agency as payee, date of execution, maturity date (February 1, 1947) and amount of loan.
- (c) Insert name(s) and address(es) of persons who are to receive the proceeds of the loan, including the producer if he is to receive all or part of the payment.

NOTE: The "date of disbursement" is to be inserted by the lending agency when the loan is made.

(d) Insert name and address of the warehouse in which the peanuts are stored and the following information shown on 1946 Crop CCC Peanut Form A, warehouse receipt for peanuts:

- Column (A) Date of warehouse receipt.
- Column (B) Number of warehouse receipt.
- Column (C) Percentage of sound mature kernels.
- Column (E) Percentage of damaged kernels.
- Column (G) Gross pounds.
- Column (I) Percentage of foreign material.
- Column (J) Net pounds.
- Column (K) Percentage of extra large.
- Column (L) Loan rate per ton.
- Column (M) Amount of loan.

Columns (C), (E), (I), and (K) should be redesignated respectively, "% S. M. K.," "% dam.," "% F. M.," and "% E. L."

(e) Insert county and State in which farm is located.

(f) Insert date and signatures of witnesses and producer.

(g) Lienholders must have executed waiver and consent to pledge or if there are no lienholders, this fact must be shown.

(h) Approval of warehouseman.

§ 275.7 *Distribution of CCC Commodity Form B.* (a) Original to be forwarded to and retained by the lending agency together with the original of the warehouse receipt.

(b) "CCC Regional Director's copy" to be forwarded to the lending agency for transmittal currently to the appropriate area fiscal office as follows:

Area Fiscal Office and Area Covered

Southeast Area Fiscal Office, PMA, Western Union Building, Atlanta, Ga.; Virginia, North Carolina, Tennessee and South Carolina north and east of the Santee, Congaree and Broad Rivers. Georgia, Alabama, Mississippi, Florida, South Carolina, south and west of the Santee, Congaree and Broad Rivers, and Louisiana east of the Mississippi River.

Southwest Area Fiscal Office, PMA, 425 Wilson Building, Dallas, Tex.; Texas, Oklahoma, Arkansas, New Mexico, Arizona, California, and Louisiana west of Mississippi River.

(c) "County office copy" to be retained by warehouseman.

(d) "Producer's copy" to be retained by the producer.

§ 275.8 *Determination of grade.* The grade (i. e. percentage of sound mature kernel content, including whole loose shelled kernels, the percentage of damage, the foreign material content, and in the case of Virginia type peanuts, the extra large Virginia shelled content) of each lot of peanuts to be pledged as security for a loan hereunder shall, upon the delivery of such peanuts to the approved warehouse, be determined by a Federal, Federal-State or Federally-licensed inspector, or by such other inspector as Commodity Credit Corporation may approve, in accordance with such rules and regulations as may be prescribed by the U. S. Department of Agriculture.

§ 275.9 *Determination of quantity.* Loans shall be made at values expressed in dollars per ton based on gross weight less foreign material content.

§ 275.10 *Set-offs.* A producer who is listed on an AAA debit register as indebted to any agency or corporation of the United States Department of Agriculture shall designate the agency or corporation to which he is indebted as the payee of the proceeds of the loan to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of the service fees and amounts due prior lien-holders. Indebtedness owing to Commodity Credit Corporation shall be given first consideration after claims of prior lien-holders.

§ 275.11 *Loan rates.* Loan rates are set out in 1946 Crop CCC Peanut Form-406, attached hereto.

§ 275.12 *Interest rates.* Loans shall bear interest at the rate of 3 percent per annum; and interest shall accrue from the date of disbursement of the loan, notwithstanding the printed provisions of the note.

§ 275.13 *Transfer of producer's equity.* The right of the producer to transfer either his right to redeem the peanuts or his remaining interest may be restricted by Commodity Credit Corporation.

§ 275.14 *Personal liability.* The making of any fraudulent representation by the producer in the loan documents or in obtaining the loan, or the conversion or unlawful disposition of any portion of the peanuts by him, shall render the producer personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 275.15 *Maturity.* Loans mature on demand but not later than February 1, 1947.

§ 275.16 *Removal of the peanuts.* If the loan is not satisfied upon maturity by payment or delivery, the holder of the note may remove the peanuts and sell them, either by separate contract or after pooling them with other lots of peanuts similarly held. The producer has no right of redemption after the peanuts are pooled, but shall share ratably in any overplus remaining upon liquidation of the pool. The Commodity Credit Corporation shall have the right to treat pooled peanuts as a reserve supply to be marketed under such sales policies as the corporation determines will promote orderly marketing, protect the interest of producers and consumers, and not unduly impair the market for the current crop of peanuts, even though part or all of such pooled peanuts are disposed of under such policies at prices less than the current domestic price for peanuts. Any sum due the producer as a result of the sale of peanuts or as insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, shall be payable only to the producer without right of assignment by him.

§ 275.17 *Release of the peanuts.* Prior to or at maturity a producer may obtain release of the warehouse receipt representing the peanuts by paying to the holder of the note and loan agreement the principal amount thereof, plus interest. If the note is held by an out-of-town lending agency or by Commodity Credit Corporation, the producer may request that the note be forwarded to a local bank for collection. In such case, where Commodity Credit Corporation is the holder of the note, the local bank will be instructed to return the note and loan agreement if payment is not effected within 15 days. All charges in connection with the collection of the note shall be paid by the producer.

§ 275.18 *Purchase of notes.* Commodity Credit Corporation will purchase from approved lending agencies, notes evidencing approved loans which are secured by negotiable warehouse receipts as provided herein. The purchase price to be paid by Commodity Credit Corporation will be the principal amount of

such notes, plus accrued interest from the date of disbursement to the date of purchase at the rate of 1½ percent per annum. Lending agencies shall use CCC Commodity Form D, lending agency's letter of transmittal of loans, in forwarding notes to the Area Fiscal Office for purchase.

§ 275.19 Reports on repayments. Lending agencies are required to submit a weekly report to the Area Fiscal Office on CCC Form F, schedule of repayments of loans, of all payments received on producer's notes held by them, and are required to remit to Commodity Credit Corporation with such form an amount equivalent to 1½ percent interest per annum, on the amount of the principal collected, from the date of disbursement to the date of payment.

[SEAL] C. C. FARRINGTON,
Acting President,
Commodity Credit Corporation.

Dated: August 16, 1946.

EXHIBIT A—1946 PEANUT PROGRAM
Loan and Support Prices for Merchantable Farmers' Stock Peanuts at Established Receiving Points
[Dollars per ton]

Sound mature kernels ¹ (Percent)	Spanish and Valencia East of Mississippi River	Runner ²	Spanish and Valencia West of Mississippi River	Virginia type
Above 70----	(3)	(4)	(5)	(6)
70-----	174.00	169.00	172.00	183.00
69-----	171.50	166.50	169.50	180.40
68-----	169.00	164.20	167.00	177.80
67-----	166.50	161.80	164.50	175.20
66-----	164.00	159.40	162.00	172.60
65-----	161.50	157.00	159.50	170.00
Below 65----	(7)	(8)	(9)	(10)

¹ Includes whole loose shelled kernels.

² For the purpose of this program includes all peanuts, excluding Valencia, which except for type, meet the "U. S. Standards for Farmers' Stock Runner Peanuts (1951)" but do not meet the U. S. Standards for Farmers' Stock Spanish or Farmers' Stock Virginia type peanuts.

³ \$174.00 plus \$2.50 per ton for each 1% above 70% sound mature kernels.

⁴ \$169.00 plus \$2.40 per ton for each 1% above 70% sound mature kernels.

⁵ \$172.00 plus \$2.50 per ton for each 1% above 70% sound mature kernels.

⁶ \$183.00 plus \$2.60 per ton for each 1% above 70% sound mature kernels.

⁷ \$161.50 less \$2.50 per ton for each 1% or fractional part thereof below 65% sound mature kernels.

⁸ \$157.50 less \$2.40 per ton for each 1% or fractional part thereof below 65% sound mature kernels.

⁹ \$159.50 less \$2.50 per ton for each 1% or fractional part thereof below 65% sound mature kernels.

¹⁰ \$170.00 less \$2.60 per ton for each 1% or fractional part thereof below 65% sound mature kernels.

NOTES

(1) Add to the above prices for Virginia type peanuts 20¢ per ton as a premium for each full 1% of Extra Large kernels.

(2) Deduct from the above prices \$2.40 per ton for each full 1% damage in excess of 2% but less than 7% damage.

(3) All types of peanuts containing 7% or more damage will be purchased on the basis of total kernel content at \$1.70 per ton for each full 1% total kernel content. No loans will be made on such peanuts.

(4) Deduct from the above prices 10¢ per ton for each full 1% foreign material in excess of 5%.

(5) Above prices are for peanuts delivered in bulk in the states of Georgia, Florida, Alabama, Mississippi and that part of South Carolina west of the Santee, Congaree, and Broad Rivers, and Louisiana east of the Mississippi River. In all other states or parts of states peanuts must be delivered in sacks as is the usual custom, except that Commodity Credit Corporation may authorize bulk delivery at those points equipped to handle such delivery.

DEFINITIONS

(1) The term "sound mature kernels" shall mean kernels which are dry and which are free from damage as defined in the U. S. Standards for farmers' stock (i) White Spanish Peanuts in the case of Spanish and

Valencia type peanuts, and (ii) Runner and Virginia type peanuts, respectively, in the case of Runner and Virginia type peanuts; and which will not pass through a screen having (i) 1/16 inch round perforations in the case of Spanish and Valencia type peanuts and (ii) 1/8 inch round perforations in the case of Virginia type peanuts, (iii) 1/16 inch round perforations in the case of Runner peanuts.

(2) Extra large kernels shall mean any shelled Virginia type peanuts which are whole and which are free from noticeably discolored or damaged peanuts as defined in the U. S. Standards for shelled Virginia type peanuts (Effective November 1, 1939) and which will not pass through a screen having 2 1/2 x 1 inch perforations.

[F. R. Doc. 46-14415; Filed, Aug. 16, 1946; 3:28 p. m.]

TITLE 7—AGRICULTURE

Subtitle A—Office of the Secretary

POSTPONEMENT OF EFFECTIVE DATE OF TRANSFERS PROVIDED FOR BY THE FARMERS' HOME ADMINISTRATION ACT OF 1946, AND ESTABLISHMENT OF THE FARMERS' HOME ADMINISTRATION

Pursuant to the authority vested in me by the Farmers' Home Administration Act of 1946 (H. R. 5991, 79th Cong., 2d Sess., approved August 14, 1946), particularly section 2 (g) thereof, hereinafter called "the Act," it is hereby ordered:

1. (a) The consummation of the transfer of all functions, powers, duties, assets, or liabilities transferred or abolished under the act shall, unless modified by my subsequent order, be delayed for 30 days from the effective date of the act. During such period, in order to permit continuance of functions pending transfer to the Farmers' Home Administration of the programs under the new authorities and directions prescribed in the act, such functions, powers and duties shall be carried on in the same manner as carried on immediately prior to the effective date of the act subject to the provisions of the respective appropriation acts under which such programs have been carried on heretofore.

(b) All delegations of authority, and all rules, regulations, policies, instructions and forms with respect to such functions, powers, duties, assets or liabilities, existing and in force on the effective date of the act, shall continue in full force and effect for such period.

2. The Governor of the Farm Credit Administration and the Administrator of Farm Security Administration shall cooperate fully to the end that as soon as practicable within the 90-day period, the transfers of functions, powers and duties may be consummated, and the necessary and qualified personnel selected by me, as provided by the act.

3. There is hereby established within this Department an agency to be known as the Farmers' Home Administration, under the supervision, direction, and control of an Administrator to be appointed as provided by law. Such Administrator, under my general supervision and upon consummation of the transfers provided for in 1 and 2 hereof shall exercise all the authorities, powers, functions and duties vested in me under the provisions of the act with respect to the functions of the Farmers' Home Administration.

4. This order shall take effect immediately.

Done at Washington, D. C., this 14th day of August 1946.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 46-14414; Filed, Aug. 16, 1946; 3:28 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VI—Organized Reserves

PART 602—RESERVE OFFICERS TRAINING CORPS

POSTWAR ROTC PROGRAM

1. *General.* (a) The following information will be used as a guide for the conduct of those parts of the postwar ROTC program which can be placed in effect at the beginning of the 1946 fall academic term. Due to changes in the curriculum and the necessity for legislative action the postwar ROTC program cannot be fully effected until the fall of 1947 at the earliest.

(b) The new postwar curricula for the advanced and elementary course of the Senior Division ROTC, and for the Junior Division ROTC, will be published in the form of War Department Memorandums of the 145-10 series. These curricula will become effective at the opening of the first semester or term beginning on or after 1 September 1946, and will be pursued by all students except those who will have entered the advanced course of the Senior Division, Interim ROTC, between October 3, 1945 and August 31, 1946, inclusive, who will continue to pursue the curricula prescribed for their respective units under the interim program.

2. *Mission.* (a) The mission of the Junior Division ROTC is to lay the foundation of intelligent citizenship within the student and give him such basic military training as will be of benefit and value to him and to the military service if he becomes a member thereof.

(b) The mission of the Senior Division ROTC is to produce junior officers who have the qualities and attributes essential to their progressive and continued development as officers in the Army of the United States.

3. *Training and administration.* (a) The Director of Organization and Training, War Department General Staff, is responsible for the training and administration of the ROTC program through the Commanding Generals, Army Ground Forces, Army Air Forces, and appropriate overseas departments.

(b) The Commanding General, Army Ground Forces, through appropriate army commanders, is charged with the necessary action to carry out War Department policies in units of the ROTC except Air ROTC.

(c) The Commanding General, Army Air Forces, through appropriate subordinate commanders, is charged with the necessary action to carry out War Department policies in Air ROTC units.

(d) The Commanding Generals of the Alaskan, Hawaiian, and Antilles De-

partments are charged with the necessary action to carry out War Department policies in units within their departments.

4. *Classification of institutions participating.* Institutions at which ROTC units are or may be established are classified as follows:

(a) *Senior Division ROTC*—(1) *Class MC.* Military colleges and universities which grant degrees, which graduate students at an average age of not less than 21 years, which require all students to pursue military training throughout the course of military training and require all ROTC students to be habitually in uniform, which constantly maintain military discipline and which have as objectives the development of the student by means of military training and the regulation of his conduct in accordance with disciplinary principles.

(2) *Class CC.* Civil colleges and universities which are not essentially military, but which grant degrees and graduate students at an average age of not less than 21 years.

(3) *Class JCMI.* Essentially military schools specially designated by the Secretary of War as in Class JCMI, which operate junior college departments but do not confer baccalaureate degrees, and at which the average age of students at graduation is less than 21 years, but which otherwise meet the requirements of Class MC and accept and maintain the entire program of instruction prescribed by the War Department for the units of the Senior Division ROTC. The Junior Division ROTC program may be conducted at Class JCMI institutions.

(4) *Class MI.* Essentially military schools specially designated by the Secretary of War as in Class MI, which do not confer baccalaureate degrees and at which the average age of students at graduation is less than 21 years, but which otherwise meet the requirements of Class MC and accept and maintain the entire program of instruction prescribed by the War Department for the elementary course of the Senior Division ROTC and the Junior Division ROTC.

(5) *Class JC.* The War Department will seek legislation which will permit the establishment of an additional classification (Class JC) which will pertain to institutions, not essentially military, providing classes of a freshman and sophomore collegiate grade, which do not confer baccalaureate degrees and at which the average age at graduation is less than 21 years but which otherwise meet the requirements of Class CC and accept and maintain the entire program of instruction prescribed by the War Department for the elementary course of the Senior Division ROTC.

(b) *Junior Division ROTC*—(1) *Class MS.* Essentially military schools which are not specially designated by the Secretary of War as in Class MI, which do not meet the requirements of Class MI, and at which the average age of students at graduation is less than 21 years but which accept and maintain the course of instruction prescribed by the War Department for the Junior Division ROTC in essentially military schools.

(2) *Class CS.* High schools and other educational institutions which do not meet the requirements of any of the classes mentioned above.

(c) Presently qualified *Class MI* schools which provide a junior college curriculum will be designated as in Class JCMI.

(d) All Class MS schools will be given an opportunity and encouraged to qualify as Class MI schools; but the Class MI rating will be granted only to those institutions that reach and maintain the standards prescribed for that class by the War Department. The requirements for conversion from a Class MS to a Class MI school are contained in section XI, WD Circular 205, 1946.

5. *Units.* (a) Units are authorized at institutions listed in paragraph 21.

(b) It is contemplated that from time to time the establishment of additional units will be authorized, both at institutions now associated with the ROTC and at other institutions. Procedure for the establishment of new units will be announced at a later date.

(c) Units of the Senior Division ROTC will bear the designation of the arm or service with which associated except that units controlled by the Commanding General, Army Air Forces, will be known as units of the Air ROTC. Units of the Junior Division ROTC will be designated as Junior Units.

6. *Programs, contents, and objectives of courses.* (a) The content and objectives of the several courses of instruction are governed by the provisions of the respective programs of instruction published in the form of War Department Memorandums of the 145-10 series. Detailed training programs and schedules for each ROTC unit, based on appropriate War Department programs of instruction, will be submitted by professors of military science and tactics to army commanders or commanders of subordinate air commands or appropriate department commanders for approval. Training programs will normally cover 1 academic year, and training schedules will normally cover one semester, quarter, or term, whichever is applicable.

(b) The Senior Division ROTC program will consist of two parts, (1) the elementary course conducted at Class MC, CC, JCMI, and MI institutions, and (2) the advanced course, with camp, conducted at Class MC, CC, and JCMI institutions.

(1) The elementary course will consist of a minimum of 3 hours per week of formal instruction of a general type applicable to the Army as a whole and will not be specialized by arm, service, or major force, and will extend over a period of not less than 2 academic years of 32 weeks' duration each. The course will be of the same general scope regardless of the class of institution at which it is conducted. There is no authority under the law to compress or curtail the elementary course, except on the basis of advanced standing granted under the provisions of paragraph 8.

(2) The advanced course will consist of a minimum of 5 hours per week of

formal military instruction, principally of a specialized type applicable to the arm or service concerned, and will extend over a period of not less than 2 academic years of 32 weeks each except where compressed or curtailed in exceptional individual cases under the provisions of § 602.22 (d) of this part. The course will be designed to qualify selected students for reserve commissions in one of the several arms or services.

(3) The advanced camp will consist of practical and theoretical military instruction of a specialized type and will be of 6 weeks' duration. The War Department will seek legislation to extend the period of the advanced camp to 8 weeks. Students will normally attend the advanced camp between the 2 academic years of the advanced course. Regulations governing the summer camp will be announced at a later date.

(c) The Junior Division ROTC will consist of the junior course only and will be conducted at Class MS and CS institutions and may be conducted at Class JCMI and MI institutions. While it is not contemplated that officers of the reserve component will be procured from institutions operating on the preparatory school level without additional training, the War Department will encourage and continue to furnish assistance to students in the Junior Division ROTC in high schools and other secondary schools for the conduct of military training on a voluntary basis prior to their undertaking of further military training.

(1) The junior course will consist of 3 hours per week of formal military instruction of a general type applicable to the Army as a whole, for not less than 3 academic years of 32 weeks each.

(2) The junior course will be equivalent in scope to the first year of the elementary course, Senior Division ROTC, and will entitle the student to credit for the first year of the elementary course.

(3) The War Department will continue to encourage the holding of summer camps by units of the Junior Division ROTC provided the camps are held without expense to the Government. No program of instruction for junior summer camp will be furnished by the War Department and the decision as to the scope and content of subject matter taught is left to the discretion of the school authorities.

7. *Enrollment and continuance requirements.* (a) Students attending land grant colleges may continue to be required by the institution to participate in 2 years of military training in which the War Department will continue to encourage and assist, but not necessarily as formally enrolled members of the ROTC.

(b) *General conditions for enrollment in the ROTC.* All students formally enrolled in the Junior Division ROTC and in the elementary and advanced course of the Senior Division ROTC must be:

(1) Citizens of the United States.

(2) Physically qualified, under standards prescribed by the War Department.

Due allowance will be made for those defects which are correctible before the student, who is otherwise qualified, becomes eligible for appointment as a commissioned officer.

(3) Accepted by the institution as a regularly enrolled student of the institution.

(c) *Conditions for enrollment in a specific course.* In addition to the general conditions for enrollment in the ROTC enumerated in (b) above, all students formally enrolled in the various courses of the ROTC must comply with the specific conditions for courses listed below.

(1) *In the elementary course, Senior Division ROTC.* The War Department will seek legislation to authorize the payment of monetary allowances in lieu of subsistence to students formally enrolled in the elementary course, Senior Division ROTC, at which time students will be required to execute a written agreement (contract) with the Government to complete the course of instruction offered unless sooner released by the War Department. All students formally enrolled in the elementary course of the Senior Division ROTC must

(a) Be not less than 14 years of age and must not have reached 23 years of age at the time of initial enrollment in the elementary course, except that the upper age limit will not apply to veterans of World War II enrolling in colleges prior to January 1, 1950.

(b) Successfully complete such general survey or screening tests as may be prescribed.

(c) If matriculating in a Class JCMI or Class MI institution, be enrolled not below the junior level of the preparatory or high school course.

(2) *In the advanced course, Senior Division ROTC.* All students formally enrolled in the advanced course of the Senior ROTC must

(a) Not have reached 27 years of age at the time of initial enrollment in the advanced course. Formally enrolled members of the advanced course, Senior Division ROTC, are exempt from registration, induction, training, or service under section 5a of the Selective Training and Service Act of 1940 as amended.

(b) Successfully complete such survey and general screening tests as may be prescribed.

(c) If matriculating in a Class JCMI institution, be a regularly enrolled student in the junior college department of that institution.

(d) Be selected by the PMS&T and the head of the institution.

(e) Execute a written agreement with the Government as outlined in paragraph 13 (a).

(f) Have completed the basic course, Senior Division, Interim ROTC, or the elementary course of the postwar Senior Division ROTC, or received credit in lieu thereof as prescribed in paragraph 8 (a) or (b).

(g) Be enrolled in an academic field prescribed by the chief of a technical service if admission to the advanced course, Senior Division ROTC, in a unit of a technical service is desired.

(3) *In the junior course.* All students formally enrolled in the junior course

must be not less than 14 years of age at the time of entrance into the Junior ROTC.

(d) Admission to the Senior Division ROTC will be voluntary on the part of the applicant.

(e) Before an air, infantry, cavalry, or artillery unit of the Senior Division ROTC may be established at an institution, an enrollment of at least 100 members who fulfill the requirements for enrollment in this division must be insured. The minimum enrollment required for other units of the Senior Division ROTC is 50 students. At least 100 members must be assured before a unit of the Junior Division ROTC will be authorized at an institution.

(f) *Training of students ineligible for enrollment.* (1) When desired by institutional authorities and approved by the professor of military science and tactics, students, who for any reason cannot be formally enrolled in the ROTC, may be permitted to pursue the ROTC course. Such students if subsequently enrolled in the ROTC, may be granted credit, applicable toward advanced standing, for that portion of the course successfully completed while in attendance under the provisions of this paragraph. No credit will be granted for training completed more than 5 years prior to formal enrollment. Students permitted to pursue the advanced course, Senior Division ROTC, under the provisions of this paragraph are not thereby exempted or deferred from registration, induction, training, and service under Selective Training and Service Act of 1940, as amended, and will be so informed.

(2) Students who are excluded solely because of quota limitations on enrollment, including such students who are required by institutional regulations to pursue courses in military training, will be reported separately in enrollment reports, and may use, within the availability of funds, Government uniforms, arms, and equipment issued to the institution. They will not be charged against the enrollment allotment and will not receive monetary allowances in lieu of subsistence, quarters, or advanced course uniforms, but otherwise will be considered as members of the ROTC for purposes connected with the issue of Government (junior or elementary course) uniforms or commutation thereof within the availability of funds.

(3) Students who are excluded for other reasons may pursue the ROTC course without expense to the Government. Such students will be reported separately in enrollment reports but will not be charged against the enrollment allotment. They will not receive monetary allowances in lieu of subsistence, quarters, or uniforms, or be issued Government uniforms, but may use the arms and equipment issued to the institution.

(g) *Requirements for continuance in the ROTC program.* (1) Students formally enrolled in the ROTC who fail to maintain satisfactory scholastic standing as required by the institution attended will, with the approval of the army commander, or commander of subordinate Air Command or appropriate

department commander, be discharged for the convenience of the Government.

(2) Students who have executed a written agreement (contract) with the Government will, with the approval of the army commander or commander of subordinate air command or appropriate department commander, be discharged for the convenience of the Government if their attendance at ROTC instruction is interrupted for more than 2 calendar years before completing the final term or semester of ROTC instruction under the agreement.

(3) Students who by the end of the first year of enrollment under contract have failed to demonstrate that further instruction will qualify them for appointment in the Officer's Reserve Corps will, with the approval of the army commander, or commander of subordinate air command or appropriate department commander, be discharged for the convenience of the Government.

8. *Credit for previous military training of service.* Students who have had previous military training or service will receive such credit toward advanced standing in the ROTC as the professor of military science and tactics and the head of the institution may jointly determine within the limits of the following:

(a) For previous honorable active service in World War II in the Army, Navy, Marine Corps, or Coast Guard of:

(1) Twelve months or more, credit not to exceed the entire elementary course of the Senior Division ROTC.

(2) Six months or more, credit not to exceed the first year of the elementary course of the Senior Division ROTC.

(3) Less than 6 months, no credit.

(b) For previous training at the United States Military Academy, the United States Naval Academy, the United States Coast Guard Academy, or in the Naval Reserve Officers' Training Corps, credit not to exceed the entire elementary course of the Senior Division ROTC. Army commanders or commanders of subordinate air commands or appropriate department commanders are authorized to grant additional credit and to curtail the period of the advanced course, Senior Division ROTC, in those cases where a student has completed more than 2 academic years of training in the Army, Navy, or Coast Guard academies, or in the Naval Reserve Officers' Training Corps, and who at the time of admission into the advanced course, Senior Division ROTC, would normally require less than 2 academic years to complete all other requirements for graduation.

(c) For previous training in the ROTC, students who:

(1) Will have entered the advanced course, Senior Division, Interim ROTC, before September 1, 1946, will continue in the advanced course of the Interim ROTC and will pursue the appropriate program of instruction prescribed for the Interim ROTC.

(2) Will have completed the entire basic course, Senior Division, Interim ROTC, before September 1, 1946, will be eligible for selection for the advanced course of the postwar Senior Division ROTC if they are qualified in all other respects under the provisions of para-

graph 7 (b) and (c) (2) of this circular. The provisions of paragraph 7 (f) will apply.

(3) Before September 1, 1946, have completed less than the entire basic course, Senior Division ROTC, Interim ROTC, but not less than one term or semester thereof may enter the elementary course of the postwar Senior Division ROTC with advanced standing equivalent to the number of terms or semesters of basic course, Senior Division, Interim ROTC, training successfully completed.

(4) Before September 1, 1946, will have completed not less than 3 years of the Junior Division ROTC program will be granted credit not to exceed the first year of elementary course of the postwar Senior ROTC, upon admission to a Class MC or Class CC institution, or upon enrollment not below the final year of the preparatory course at a Class JCMI or Class MI institution. Such students enrolled in the senior year at a Class MS institution maintaining a 4-year junior course program will continue in the 4th year of that program.

(5) On or before September 1, 1946 will have completed less than 3 years but not less than one term or semester of the Junior Division program may, if matriculating in the preparatory department of a Class JCMI, MI, MS, or CS institution, enter the postwar Junior Division ROTC with advanced standing equivalent to the number of terms or semesters successfully completed. If matriculating in a Class MC or CC institution or in the junior college department of a Class JCMI or MI institution, a student may be granted advanced standing in the elementary course of the postwar Senior Division ROTC not to exceed one-third of the number of terms or semesters of the Junior Division ROTC successfully completed.

9. *Academic credit.* Academic credit toward the granting of a degree should be granted for the completion of military courses on the same basis as for nonmilitary courses conducted at the same level. The War Department will negotiate with institutions at which ROTC units are established with the view of adopting this provision. A condition precedent to the establishment of new ROTC units will be the adoption of this provision by the institution concerned.

10. *Requirements for commission.* (a) All candidates for a commission in the Officers' Reserve Corps must have reached an age of not less than 21 years and must have successfully completed the following requirements before such a candidate is eligible to be tendered a commission:

(1) Four years of education at a college or university level. A professional degree is a requirement for a commission in the case of an individual receiving an initial commission in the grade of first lieutenant in the professional branches.

(2) The advanced course, Senior Division ROTC, at a Class MC or Class CC institution.

(b) Except for those individuals possessing professional degrees and tendered a commission in the professional branches, appointments will be made only in the lowest authorized grade.

(c) The professor of military science and tactics at a Class JCMI institution may grant to especially qualified students who have successfully completed the advanced course, Senior Division ROTC, and who have successfully completed 2 years of academic work on a college level, a certificate of eligibility which will enable the student to:

(1) Upon enlistment in the Army, enter an officer candidate school course and receive a commission in the Officers' Reserve Corps upon completion of that course and upon attaining the age requirement, if he does not go on to the last 2 years of undergraduate college study. Certificates of eligibility to an officer candidate school course will be valid only for a period of 2 years.

(2) Receive a reserve commission upon successful completion of 2 additional years of undergraduate college study.

(d) The professor of military science and tactics at Class MI, JCMI, MC, or CC institutions may grant certificates of eligibility for entrance to an officer candidate school course to those especially qualified students who have:

(1) Completed the elementary course, Senior Division ROTC.

(2) Completed 2 years of college studies.

(3) Do not intend to pursue their college studies further. Such certificates will be valid only for a period of 2 years.

11. *Utilization of graduates of scientific and technical courses.* It is not practicable to maintain units of all the many branches at most colleges and universities. However, there will be students in scientific and technical courses whose services will be needed and who will wish to be commissioned in branches not represented by units on their campuses. The War Department will make provisions for such advanced students to attend an ROTC camp of the appropriate branch and, if otherwise qualified, will tender such students a commission in the appropriate branch within quota limitations.

12. *Assignment of students to units.*

(a) Quotas for the enrollment of students in the Junior and Senior Divisions of the ROTC will be established and allotted annually by the War Department for the Army Ground Forces and appropriate overseas departments and upon the receipt of enabling legislation for the Army Air Forces.

(b) Students enrolled in the elementary course, Senior Division ROTC, although initially assigned by arm or service, will be pooled for economy of instruction, regardless of the type of unit to which initially assigned.

(c) Within quota limitations, qualified students eligible for enrollment in the Senior Division ROTC will be free to choose the arm or service of their choice.

13. *Contracts and enrollments.* (a) *Advanced course, Senior Division ROTC.* Separate contracts will be executed between the Government and students enrolled in the advanced course of the Senior Division ROTC. Such a contract will require a student to complete the advanced course of training and to attend the advanced camp at the time specified unless he is sooner discharged for the convenience of the Government. The

contract will not specify that the advanced course, Senior Division ROTC, must be pursued without interruption. However, the contract will be canceled if the advanced course is interrupted for 2 calendar years. During their period of participation in the advanced course, duly enrolled students will be paid monthly a monetary allowance in lieu of subsistence at a daily rate equal to the value of the commuted ration. Upon obtaining the necessary legislation, such students will be paid an allowance in lieu of quarters and uniform at the rate of \$1.25 per day. In no instance will the monetary allowance in lieu of subsistence and the allowance in lieu of quarters and uniform be paid for a period exceeding 2 academic years of 32 weeks each.

(b) *ROTC summer camp.* Students attending ROTC summer camp will be messed and quartered and will be paid at the rate prescribed for soldiers of the 7th grade. The War Department will seek legislation authorizing the payment to students attending the ROTC summer camp at a rate prescribed for soldiers of the 6th grade. A travel allowance from the institution to camp and return to the institution at the rate of 5 cents a mile will be authorized students eligible to attend the advanced summer ROTC camp.

(c) *Elementary course, Senior Division ROTC.* Upon the receipt of the necessary enabling legislation contracts will be executed between the Government and students duly enrolled in the elementary course of the Senior Division ROTC. At such a time students will be paid a monetary allowance at a daily rate equal to the value of the commuted ration for a period not to exceed an aggregate of 2 academic years of 32 weeks each.

(d) *Junior Division ROTC.* No contract will be executed between the Government and students admitted to the Junior Division ROTC. A student who satisfactorily completes the Junior Division ROTC will be given a military training certificate signed by the head of the institution and the professor of military science and tactics. All military subjects taken by the student during his course of military training will be shown on the certificate as passed or failed. Such a certificate, based on qualification tests, not only serves as an incentive but also provides the student a basis for credit should he continue his military training in the Senior Division ROTC.

14. *Uniforms.* Students in the Junior Division ROTC and the elementary course of the Senior Division ROTC may be furnished a service-type uniform in kind. Upon the passage of enabling legislation, students in the advanced course, Senior Division ROTC, will furnish their own uniforms and accoutrements. Pending the passage of such legislation, current uniform regulation will apply. Institutions desiring to provide a distinctive uniform or desiring to have uniforms individually tailored may draw (as agents for their students) commutation in lieu of the issue of Government uniforms. Institutions electing to receive commutation in lieu of uniform will be authorized to purchase, within the availability of stocks, prescribed articles of uniform

from the quartermaster for issue to their students, or may at their discretion purchase uniforms from other sources.

15. *Equipment.* Within available appropriations and excesses the War Department will provide the necessary equipment to carry out the ROTC program. Authorized allowances for ROTC equipment are contained in tables of allowances and equipment.

16. *Texts.* Field manuals, technical manuals, and other War Department publications are the only officially approved texts for use in the Junior and Senior ROTC programs (see FM 21-6). War Department publications may be supplemented by other publications for use as references if their use is considered appropriate and necessary, but in no case will any student be required to purchase such publications. The War Department will develop and supervise the publication of necessary textbooks and will provide each authorized student the textbooks he may require.

17. *Reports and records.* (a) The professor of military science and tactics will retain copies of all returns, reports, and correspondence and will keep in readily accessible form, preferably in a bound volume for each college year, all schedules, programs, and lesson plans showing text assignments. Where applicable, bibliographies used by instructors in preparing lessons will be included. This record is necessary for the information and guidance of newly detailed officers, and serves to promote stability of the program. The professor of military science and tactics will transfer these records to the officer who may succeed him or, if he has no successor, to the person designated by the head of the institution. In either case a receipt will be taken for the records. A copy of this receipt will be forwarded to the army commander or commander of subordinate air command or appropriate department commander.

(b) A record of the student's progress in military training and development will be kept on prescribed forms. Upon the transfer of a member from one unit to another, a complete set of records covering the work and status of the student will be furnished to the unit to which the member is transferred. Should a Reserve Officers' Training Corps unit at an institution be withdrawn, all of its records not required for institutional purposes will be forwarded to the army commander or commander of subordinate air command or appropriate department commander.

18. *Military personnel for ROTC duty.* (a) The War Department will establish standards for the selection of military personnel for duty with the ROTC. Officers, warrant officers, and enlisted men assigned for duty with the ROTC must have the qualifications prescribed by section VI, WD Circular 58, 1946, as amended.

(b) Each institution maintaining one or more authorized units of the ROTC will have assigned to the ROTC at that institution officer (regular and reserve) and enlisted personnel for instructional purposes. The number of officers, warrant officers, and enlisted men so assigned will be based upon a ratio deter-

mined by the War Department and contingent on the number of students enrolled in the ROTC and taking military training under paragraph 7 (f).

(c) Officers will be selected and assigned by the War Department for duty with the ROTC. Warrant officers and enlisted men upon approval by the War Department and provided they are acceptable to the professor of military science and tactics, will be assigned for ROTC duty by army commanders or commanders of subordinate air commands or (appropriate) department commanders.

(d) Before reporting at an institution for duty with the ROTC, all officer personnel will attend an orientation course conducted by the Commanding General, Army Ground Forces, for Army Ground Forces personnel, or by the Commanding General, Army Air Forces, for Army Air Forces personnel.

19. *Civilian instructor.* The War Department will seek legislation which will enable the War Department to negotiate with institutions at which ROTC units are established to permit members of the faculty of the institution to teach certain courses in the ROTC curriculum where such contractual instruction is considered advisable and necessary. In addition, the War Department will utilize civilian educators as advisors and consultants and as assistants in the preparation of texts.

20. Paragraphs 4 (b) (1) and 13, pertaining to the Advanced Course published 31 January 1946 (11 F.R. 1145) are hereby revoked. The remaining paragraphs will serve as a guide for the advanced course, Senior Division, Interim, ROTC, until this program is completely superseded by the permanent postwar ROTC.

21. Institutions and units.

	Class	Units
<i>First Army Area</i>		
The University of Connecticut, Storrs, Conn.	CC.....	Inf.
Yale University, New Haven, Conn.	CC.....	FA.
Bangor High School, Bangor, Maine.	CS.....	J.
University of Maine, Orono, Maine.	CC.....	Inf., CAC, Sig. C.
Boston University, Boston, Mass.	CC.....	Inf.
Gloucester High School, Gloucester, Mass.	CS.....	J.
Harvard University, and the Graduate School of Business Administration, Cambridge, Mass.	CC.....	FA, QMC.
Massachusetts State College, Amherst, Mass.	CC.....	Cav.
Massachusetts Institute of Technology, Cambridge, Mass.	CC.....	CAC, Sig. C. Ord., Dept. Eng., CWS.
New Bedford High School, New Bedford, Mass.	CS.....	J.
University of New Hampshire, Durham, N. H.	CC.....	Inf., CAC.
Rhode Island State College, Kingston, R. I.	CC.....	Inf.
Rogers High School, Newport, R. I.	CS.....	J.
Norwich University, Northfield, Vt.	MO.....	Cav., Sig. C.
University of Vermont and State Agricultural College, Burlington, Vt.	CC.....	Inf.
University of Delaware, Newark, Del.	CC.....	CAC.
Bordentown Military Institute, Bordentown, N. J.	MS.....	J.
Princeton University, Princeton, N. J.	CC.....	FA.
Rutgers University, New Brunswick, N. J.	CC.....	Inf., Sig. C.
<i>First Army Area—Con.</i>		
Clarkson College of Technology, Potsdam, N. Y.	CC.....	Eng.
College of the City of New York, Convent Ave. and 139th Street, New York City, N. Y.	CC.....	Inf.
Cornell University, Ithaca, N. Y.	CC.....	FA, Sig. C. Ord., QMC, CAC.
Fordham University, Fordham, N. Y.	CC.....	J.
LaSalle Military Academy, Oakdale, Long Island, N. Y.	MS.....	J.
New York Military Academy, Cornwall-on-Hudson, N. Y.	MS.....	J.
New York University, University Heights, N. Y.	CC.....	Inf., Eng., Sig. C.
Niagara University, Niagara University, N. Y.	CC.....	Inf.
The Manlius School, Manlius, N. Y.	MS.....	J.
St. Bonaventure College, St. Bonaventure (Allegany), N. Y.	CC.....	FA.
Syracuse University, Syracuse, N. Y.	CC.....	Inf.
Xavier High School, New York City, N. Y.	CS.....	J.
<i>Second Army Area</i>		
The Johns Hopkins University, Baltimore, Md.	CC.....	Inf., Eng.
Western Maryland College, Westminster, Md.	CC.....	Inf.
Carnegie Institute of Technology, Pittsburgh, Pa.	CC.....	Engrs., Sig. C.
Drexel Institute, Philadelphia, Pa.	CC.....	Inf.
Duquesne University, Pittsburgh, Pa.	CC.....	FA.
Gettysburg College, Gettysburg, Pa.	CC.....	Inf.
Lafayette College, Easton, Pa.	CC.....	Inf.
Lehigh University, Bethlehem, Pa.	CC.....	Inf., Ord.
Pennsylvania Military College, Chester, Pa.	MC.....	Inf.
Pennsylvania State College, State College, Pa.	CC.....	Inf., Eng., Sig. C.
University of Pennsylvania, Philadelphia, Pa.	CC.....	Inf.
University of Pittsburgh, Pittsburgh, Pa.	CC.....	CAC.
Valley Forge Military Academy, Wayne, Pa.	JCMI.....	Inf.
Augusta Military Academy, Fort Defiance, Va.	MS.....	J.
Fishburne Military School, Waynesboro, Va.	MS.....	J.
Fork Union Military Academy, Fork Union, Va.	MS.....	J.
Hampton Institute, Hampton, Va.	CC.....	CAC.
Massanutten Academy, Woodstock, Va.	MS.....	J.
Staunton Military Academy, Staunton, Va.	MS.....	J.
Virginia Polytechnic Institute, Blacksburg, Va.	MC.....	Inf., Eng., CAC.
Virginia Military Institute, Lexington, Va.	MC.....	FA, Inf., Cav.
Culver Military Academy, Culver, Ind.	MI.....	Inf., Cav., FA.
Gary High Schools, Gary, Ind.	CS.....	J.
Howe Military School, Howe, Ind.	MS.....	J.
Indianapolis High Schools, Indianapolis, Ind.	CS.....	J.
Indiana University, Bloomington, Ind.	CC.....	Inf., QMC.
Purdue University, Lafayette, Ind.	CC.....	FA, Ord.
Rose Polytechnic Institute, Terre Haute, Ind.	CC.....	Eng.
Ashland High School, Ashland, Ky.	CS.....	J.
Eastern Kentucky State Teachers College, Richmond, Ky.	CC.....	FA.
Kentucky Military Institute, Lyndon, Ky.	MS.....	J.
Louisville Male High School, Louisville, Ky.	CS.....	J.
Owensboro High School, Owensboro, Ky.	CS.....	J.
University of Kentucky, Lexington, Ky.	CC.....	Inf., Sig. C.
Western Kentucky State Teachers College, Bowling Green, Ky.	CC.....	Inf.
Ohio State University, Columbus, Ohio.	CC.....	FA, Eng., Sig. C.
Ohio University, Athens, Ohio.	CC.....	Inf.
University of Akron, Akron, Ohio.	CC.....	Inf.

	Class	Units		Class	Units		Class	Units
<i>Second Army Area—Continued.</i>			<i>Third Army Area—Con.</i>			<i>Fifth Army Area—Con.</i>		
University of Cincinnati, Cincinnati, Ohio.	CC.....	CAC, Ord.	Chattanooga High Schools, Chattanooga, Tenn.	CS.....	J.	Calumet High School, Calumet, Mich.	CS.....	J.
University of Dayton, Dayton, Ohio.	CC.....	Inf.	Columbia Military Academy, Columbia, Tenn.	MS.....	J.	Detroit High Schools, Detroit, Mich.	CS.....	J.
Wilberforce University, Wilberforce, Ohio.	CC.....	Inf.	Johnson City High Schools, Johnson City, Tenn.	CS.....	J.	Grand Rapids High Schools, Grand Rapids, Mich.	CS.....	J.
Xavier University Cincinnati, Ohio.	CC.....	FA.	Knoxville High Schools, Knoxville, Tenn.	CS.....	J.	Michigan State College of Agriculture and Applied Science, East Lansing, Mich.	CC.....	Eng.
Greenbrier Military School, Lewisburg, W. Va.	MS.....	J.	Memphis City High Schools, Memphis, Tenn.	CS.....	J.	Michigan State College of Agriculture and Applied Science, East Lansing, Mich.	CC.....	Inf., Cav., QMC, CAC, FA, Sig. C.
West Virginia State College, Institute, W. Va.	CC.....	FA.	Nashville High Schools, Nashville, Tenn.	CS.....	J.	University of Michigan, Ann Arbor, Mich.	CC.....	Ord., QMC, Inf., Eng., Sig. C.
West Virginia University, Morgantown, W. Va.	CC.....	Inf., Eng., Sig. C.	Sewanee Military Academy, Sewanee, Tenn.	MS.....	J.	Beloit High School, Beloit, Wis.	CS.....	J.
<i>Third Army Area</i>			Tennessee Military Institute, Sweetwater, Tenn.	MS.....	J.	Campion Jesuit High School, Prairie du Chien, Wis.	CS.....	J.
Alabama Polytechnic Institute, Auburn, Ala.	CC.....	FA, Eng.	University of Tennessee, Knoxville, Tenn.	CC.....	Inf., Eng.	Central Catholic High School, Green Bay, Wis.	CS.....	J.
Birmingham High Schools, Birmingham, Ala.	CS.....	J.	<i>Fourth Army Area</i>			Northwestern Military and Naval Academy, Lake Geneva, Wis.	MS.....	J.
Clift High School, Opelika, Ala.	CS.....	J.	Arkansas State College, State College (Jonesboro), Ark.	CC.....	FA.	Ripon College, Ripon, Wis.	CC.....	Inf.
Marion Institute, Marion, Ala.	MS.....	J.	Henderson State Teachers College, Arkadelphia, Ark.	CC.....	Inf.	St. Johns Military Academy, Delaford, Wis.	MS.....	J.
Sidney Lanier High School, Montgomery, Ala.	CS.....	J.	Ouachita College, Arkadelphia, Ark.	CC.....	Inf.	St. Norbert College, West De Pere, Wis.	CC.....	Inf.
Tuskegee Institute, Tuskegee, Ala.	CC.....	Inf.	University of Arkansas, Fayetteville, Ark.	CC.....	Inf., Sig. C.	University of Wisconsin, Madison, Wis.	CC.....	Inf., Eng., Sig. C.
University of Alabama, University, Ala.	CC.....	Inf., CAC, Eng., QMC.	Louisiana State University and Agricultural and Mechanical College, University Station (Baton Rouge), La.	CC.....	Inf., FA, Eng, Ord.	Canon City High School, Canon City, Colo.	CS.....	J.
Florida Military Academy, St. Petersburg, Fla.	MS.....	J.	Shreveport High Schools, Shreveport, La.	CS.....	J.	Colorado State College of Agriculture and Mechanical Arts, Fort Collins, Colo.	CC.....	FA.
Hillsborough County High Schools, Tampa, Fla.	CS.....	J.	New Mexico College of Agricultural and Mechanical Arts, State College, N. M.	CC.....	Inf.	Colorado School of Mines, Golden, Colo.	CC.....	Eng.
University of Florida, Gainesville, Fla.	CC.....	Inf., FA.	New Mexico Military Institute, Roswell, N. M.	JCMI...	Cav.	Denver High Schools, Denver, Colo.	CS.....	J.
Academy of Richmond County, Augusta, Ga.	CS.....	J.	Guthrie High School, Guthrie, Okla.	CS.....	J.	Pueblo High Schools, Pueblo, Colo.	CS.....	J.
Athens High School, Athens, Ga.	CS.....	J.	Oklahoma Agricultural and Mechanical College, Stillwater, Okla.	CC.....	Inf., Eng., Sig. C.	Coe College, Cedar Rapids, Iowa.	CC.....	Inf.
Atlanta Public High Schools, Atlanta, Ga.	CS.....	J.	Oklahoma Military Academy, Claremore, Okla.	JCMI...	Cav.	Loras Academy, Dubuque, Iowa.	CS.....	J.
Benedictine Military School, Savannah, Ga.	CS.....	J.	University of Oklahoma, Norman, Okla.	CC.....	FA, Ord.	Council Bluffs High Schools, Council Bluffs, Iowa.	CS.....	J.
Columbus High Schools, Columbus, Ga.	CS.....	J.	Agricultural and Mechanical College of Texas, College Station, Tex.	MC.....	Inf., Cav, FA, CAC, Eng., Sig. C., CWS, QMC, Ord.	Davenport High School, Davenport, Iowa.	CS.....	J.
Decatur Boys' High School, Decatur, Ga.	CS.....	J.	Allen Academy, Bryan, Tex.	MS.....	J.	Iowa State College of Agriculture and Mechanical Arts, Ames, Iowa.	CC.....	FA, Eng., Sig. C.
Fulton County High Schools, Atlanta, Ga.	CS.....	J.	Ball High School, Galveston, Tex.	CS.....	J.	The State University of Iowa, Iowa City, Iowa.	CC.....	Inf., Eng.
Georgia Military Academy, College Park, Ga.	MS.....	J.	Central Catholic High School, San Antonio, Tex.	CS.....	J.	Leavenworth High School, Leavenworth, Kans.	CS.....	J.
Georgia Military College, Milledgeville, Ga.	MS.....	J.	Dallas High Schools, Dallas, Tex.	CS.....	J.	Kansas State College of Agriculture and Applied Science, Manhattan, Kans.	CC.....	Inf., CAC.
Georgia School of Technology, Atlanta, Ga.	CC.....	Inf., CAC, Sig. C., Ord.	El Paso High Schools, El Paso, Tex.	CS.....	J.	Municipal University of Wichita, Wichita, Kans.	CC.....	Inf.
Gordon Military College, Barnesville, Ga.	MS.....	J.	Fort Worth High Schools, Fort Worth, Tex.	CS.....	J.	St. Joseph's College and Military Academy, Hays, Kans.	MS.....	J.
Lanier High School, Macon, Ga.	CS.....	J.	Houston High Schools, Houston, Tex.	CS.....	J.	University of Kansas, Lawrence, Kans.	CC.....	Inf., CAC.
North Georgia College, Dahlonega, Ga.	MC.....	Inf.	Prairie View University, Prairie View, Tex.	CC.....	Inf.	Cretin High School, St. Paul, Minn.	CS.....	J.
Riverside Academy, Gainesville, Ga.	MS.....	J.	San Antonio High Schools, San Antonio, Tex.	CS.....	J.	St. Thomas Military Academy, St. Paul, Minn.	MS.....	J.
Robert E. Lee Institute High School, Thomaston, Ga.	CS.....	J.	Texas Military Institute, San Antonio, Tex.	MS.....	J.	Shattuck School, Fairbault, Minn.	MS.....	J.
Savannah High Schools, Savannah, Ga.	CS.....	J.	Texas Technological College, Lubbock, Tex.	CC.....	Eng., Sig. C.	University of Minnesota, Minneapolis, Minn.	CC.....	CAC, Sig. C.
University of Georgia, Athens, Ga.	CC.....	Inf., Cav.	<i>Fifth Army Area</i>			Christian Brothers College, St. Louis, Mo.	CS.....	J.
Central High School, Jackson, Miss.	CS.....	J.	Chicago High Schools, Chicago, Ill.	CS.....	J.	Carthage High School, Carthage, Mo.	CS.....	J.
Gulf Coast Military Academy, Gulfport, Miss.	MS.....	J.	Joliet Township High School, Joliet, Ill.	CS.....	J.	Joplin High School, Joplin, Mo.	CS.....	J.
Mississippi State College, State College, Starkville, Miss.	CC.....	Inf., CAC.	Knox College, Galesburg, Ill.	CC.....	Inf.	Kansas City High Schools, Kansas City, Mo.	CS.....	J.
Pearl River Junior College, Poplarville, Miss.	CS.....	J.	Marmion Military Academy, Aurora, Ill.	MS.....	J.	Kemper Military School, Boonville, Mo.	MS.....	J.
University of Mississippi, University Station (Oxford), Miss.	CC.....	Inf.	Mattoon High School, Mattoon, Ill.	CS.....	J.	Missouri Military Academy, Mexico, Mo.	MS.....	J.
Agricultural and Technical College of North Carolina, Greensboro, N. C.	CC.....	Inf.	Morgan Park Military Academy, Chicago, Ill.	MS.....	J.	Missouri School of Mines, Rolla, Mo.	CC.....	Eng.
Davidson College, Davidson, N. C.	CC.....	Inf.	Rockford High School, Rockford, Ill.	CS.....	J.	St. Joseph High Schools, St. Joseph, Mo.	CS.....	J.
New Hanover High School, Wilmington, N. C.	CS.....	J.	St. Mel High School, Chicago, Ill.	CS.....	J.	University of Missouri, Columbia, Mo.	CC.....	FA.
North Carolina State College of Agriculture and Engineering, Raleigh, N. C.	CC.....	Inf., Sig. C.	University of Illinois, Urbana, Ill.	CC.....	Inf., FA, Cav, CAC, Eng., Sig. C., "	Washington University, St. Louis, Mo.	CC.....	CAC.
Oak Ridge Military Institute, Oak Ridge, N. C.	MS.....	J.	Waukegan Township High School, Waukegan, Ill.	CS.....	J.	Wentworth Military Academy, Lexington, Mo.	MS.....	J.
Clemson Agricultural College, Clemson, S. C.	MC.....	Inf., Sig. C.	Western Military Academy, Alton, Ill.	MS.....	J.	William Chrisman High School, Independence, Mo.	CS.....	J.
Porter Military Academy, Charleston, S. C.	MS.....	J.	A. D. Johnston High School, Bessemer, Mich.	CS.....	J.	Creighton University, Omaha, Nebr.	CC.....	Inf.
Presbyterian College, Clinton, S. C.	CC.....	Inf.	Luther L. Wright High School, Ironwood, Mich.	CS.....	J.	Omaha High Schools, Omaha, Nebr.	CS.....	J.
The Citadel, Charleston, S. C.	MC.....	Inf., CAC, Ord.				University of Nebraska, Lincoln, Nebr.	CC.....	Inf., FA, Eng.
Wofford College, Spartanburg, S. C.	CC.....	Inf.						
Castle Heights Military Academy, Lebanon, Tenn.	MS.....	J.						

	Class	Units
Fifth Army Area—Con.		
North Dakota Agricultural College, Fargo, N. Dak.	CC.....	Inf.
University of North Dakota, Grand Forks, N. Dak.	CC.....	Inf.
South Dakota State College of Agriculture and Mechanic Arts, Brookings, S. Dak.	CC.....	Inf.
University of South Dakota, Vermillion, S. Dak.	CC.....	Inf.
Cheyenne High School, Cheyenne, Wyo.	CS.....	J.
Natrona County High School, Casper, Wyo.	CS.....	J.
University of Wyoming, Laramie, Wyo.	CC.....	Inf.
Sixth Army Area		
Phoenix Union High School, Phoenix, Ariz.	CS.....	J.
University of Arizona, Tucson, Ariz.	CC.....	Cav.
Alameda High School, Alameda, Calif.	CS.....	J.
Brown Military Academy, Pacific Beach, Calif.	MS.....	J.
Glendale High Schools, Glendale, Calif.	CS.....	J.
Harvard School, North Hollywood, Calif.	CS.....	J.
Leland Stanford Jr. University, Stanford University, Calif.	CC.....	FA, Ord, QMC
Los Angeles High Schools, Los Angeles, Calif.	CS.....	J.
Loyola High School, Los Angeles, Calif.	CS.....	J.
Oakland Public High Schools, Oakland, Calif.	CS.....	J.
Pasadena Junior College, Pasadena, Calif.	CS.....	J.
Polytechnic High School, Long Beach, Calif.	CS.....	J.
Riverside Polytechnic High School and Junior College, Riverside, Calif.	CS.....	J.
Pomona College, Claremont, Calif.	CC.....	Inf.
Sacramento High Schools, Sacramento, Calif.	CS.....	J.
St. Ignace High School, San Francisco, Calif.	CS.....	J.
San Diego High Schools, San Diego, Calif.	CS.....	J.
San Francisco High Schools, San Francisco, Calif.	CS.....	J.
Santa Barbara High School, Santa Barbara, Calif.	CS.....	J.
University of California, Berkeley, Calif.	CC.....	Inf., CAC, Ord., Sig. C., Eng.
University of California at Los Angeles, Los Angeles, Calif.	CC.....	Inf., CAC.
University of Santa Clara, Santa Clara, Calif.	CC.....	FA.
University of San Francisco, San Francisco, Calif.	CC.....	CAC.
Boise High School, Boise, Idaho.	CS.....	J.
University of Idaho, Moscow, Idaho.	CC.....	Inf.
Montana State College, Bozeman, Mont.	CC.....	Inf.
Montana State University, Missoula, Mont.	CC.....	Inf.
Reno High School, Reno, Nev.	CS.....	J.
University of Nevada, Reno, Nev.	CC.....	Inf.
Hill Military Academy, Portland, Oreg.	MS.....	J.
Oregon State Agricultural College, Corvallis, Oreg.	CC.....	Inf., FA, Eng.
University of Oregon, Eugene, Oreg.	CC.....	Inf.
Logan Senior High School, Logan, Utah.	CS.....	J.
Ogden High School, Ogden, Utah.	CS.....	J.
Salt Lake City High Schools, Salt Lake City, Utah.	CS.....	J.
University of Utah, Salt Lake City, Utah.	CC.....	FA.
Utah State Agricultural College, Logan, Utah.	CC.....	CAC.
Bellarmine High School, Tacoma, Wash.	CS.....	J.
State College of Washington, Pullman, Wash.	CC.....	Inf., Eng., Sig. C.
University of Washington, Seattle, Wash.	CC.....	QMC, Inf., CAC, Sig. C.
Walla Walla High School, Walla Walla, Wash.	CS.....	J.

Sixth Army Area—Con.

Military District of Washington		
Georgetown University, Washington, D. C.	CC.....	Inf.
Howard University, Washington, D. C.	CC.....	Inf.
University of Maryland, College Park, Md.	CC.....	Inf., Sig. C.
Hawaiian Department		
University of Hawaii, Honolulu, Hawaii.	CC.....	Inf.
Kamehameha School, Honolulu, Hawaii.	CS.....	J.
Punahou Academy, Honolulu, Hawaii.	CS.....	J.
Honolulu High Schools, Honolulu, Hawaii.	CS.....	J.
Antilles Department		
University of Puerto Rico, Rio Piedras, P. R.	CC.....	Inf.
Alaskan Department		
University of Alaska, Fairbanks, Alaska.	CC.....	Inf.

22. The provisions of Part 602 in conflict with the above are amended accordingly. (39 Stat. 191, 192, 41 Stat. 776-778, 10 U.S.C. 381, 382, 389, 441) [W. D. Cir. 224, 26 Jul 1946]

NOTE: Until such time as enabling legislation is obtained, current provisions for uniforms for students in the advanced course will apply. Where a student is discharged for the convenience of the Government under paragraph 7 (g) the provisions of § 602.48 of this part will apply.

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 46-14426; Filed, Aug. 16, 1946;
4:49 p. m.]

TITLE 12—BANKS AND BANKING**Chapter II—Board of Governors of the Federal Reserve System****PART 222—CONSUMER CREDIT****MISCELLANEOUS AMENDMENTS**

Part 222 is hereby amended in the following respects, effective September 3, 1946:

1. Sections 222.1, 222.2 (e), 222.2 (h), 222.2 (i), 222.6 (a), 222.6 (b), 222.7 (a), 222.7 (b), and 222.7 (c) are amended by striking out "\$1,500" and inserting in lieu thereof "\$2,000".

2. Sections 222.6 (b) and 222.10 (b) are amended by striking out "18 months" and inserting in lieu thereof "15 months".

3. Footnote 5 attached to § 222.7 (c) is amended so that it will read as follows:

* The maximum maturity is 6, 12, or 15 months from the date of the original loan as determined by its purpose, except that 18 months from the date of the renewal or extension is permissible with a Statement of Necessity pursuant to § 222.10 (d).

4. The last sentence of footnote 7 attached to § 222.10 (a) is amended so that it will read as follows:

Whenever the regulation is amended to increase or decrease the maximum maturity for any class of transactions, the terms of repayment "permitted in the first instance" insofar as they relate to the maximum maturity for such class of transactions shall be deemed to be the terms applicable under the provisions of the amendment.

5. Section 222.10 (d) is amended by inserting after the words "except that" the words "it may have a maturity of not more than 18 months and".

(Sec. 5 (b), 40 Stat. 415, as amended by sec. 5, 40 Stat. 966, sec. 2, 48 Stat. 1, sec. 1, 54 Stat. 179; secs. 301 and 302, 55 Stat. 839, 840; 12 U.S.C. 95 (a) and Supp., 50 U.S.C. App. 616, 617, and Executive Order No. 8843, dated August 9, 1941)

[SEAL] BOARD OF GOVERNORS OF THE
FEDERAL RESERVE SYSTEM.
S. R. CARPENTER,
Secretary.

[F. R. Doc. 46-14413; Filed, Aug. 16, 1946;
2:31 p. m.]

TITLE 24—HOUSING CREDIT**Chapter VIII—Office of Housing Expediter**

[Priorities Reg. 1]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946**SURPLUS BUILDING MATERIALS AND EQUIPMENT**

§ 803.1 *Surplus building materials and equipment for the Veterans' Emergency Housing Program and the Veterans Administration Construction Program*—(a) *What this section provides.* This section provides for channelling certain surplus building materials and equipment held by the War Assets Administration into the Veterans' Emergency Housing Program (for the construction of low and moderate cost housing accommodations) and the Veterans' Administration Construction Program (for hospitals and other facilities). This section is deemed necessary and appropriate in the public interest and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

The materials listed in the table at the end of this section are suitable for the construction of housing accommodations and are in short supply. Those materials, referred to in this section as "building materials and equipment", are not now available in sufficient quantities from new production. Unless otherwise directed by the Housing Expediter or the Civilian Production Administration, any disposal by WAA of any of the building materials and equipment covered by this section which are held as surplus by WAA must be made subject to this section. Under this section, first opportunity for acquiring such building materials and equipment held as surplus property by WAA is given to persons and agencies acquiring for use or resale for use in the above programs.

RESTRICTIONS ON DISPOSALS BY WAA

(b) *Building materials and equipment covered by this section.* This section applies only to the building materials and equipment listed in the table at the end of this section. It applies whether the listed building materials and equipment are new or used, and includes building materials and equipment recovered or salvaged from dismantled surplus property. As used in this section, the term "materials" includes items customarily referred to as "supplies."

(c) *Surplus Property Act priority groups.* During the 15-day period described in paragraph (d) of this section and the exclusive offering period described in paragraph (e) of this section, any disposal by WAA of the building materials or equipment covered by this section shall be made without regard to the priority groups established in the Surplus Property Act. After these two periods have expired, disposal of such materials or equipment may be made in accordance with paragraph (h) of this section.

(d) *Agencies eligible during 15-day period prior to sale.* During a period of 15 days prior to the time any of the building materials or equipment covered by this section are first publicly offered for sale, such building materials or equipment may be transferred by WAA only:

(1) To the Veterans Administration for use in the Veterans Administration Construction Program.

(2) To the Federal Public Housing Authority, to the extent directed by the Housing Expediter, for use under Title V of the act entitled "An Act to expedite the provision of housing in connection with the national defense, and for other purposes," approved October 14, 1940, as amended.

(e) *Buyers eligible during exclusive offering period.* During a second period of time to be determined by WAA with respect to any of the above building materials or equipment remaining to be disposed of after the 15-day period described in paragraph (d) of this section has expired, WAA must offer such building materials or equipment exclusively for sale:

(1) To persons purchasing the building materials or equipment for use who give with their purchase orders a certificate in writing in substantially the following form:

The undersigned certifies to the War Assets Administration and the Housing Expediter, subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that all the materials and equipment covered by this purchase order are required for and will be used in construction of housing accommodations, or in production, for which priorities assistance has been assigned under the Veterans' Emergency Housing Program, or in construction for which priorities assistance has been assigned under the Veterans Administration Construction Program.

(2) To regularly established sellers of building materials or equipment purchasing for resale who give with their purchase orders a certificate in writing in substantially the following form:

The undersigned certifies to the War Assets Administration and the Housing Expediter,

subject to the criminal penalties of section 35 (A) of the U. S. Criminal Code, that the materials and equipment covered by this purchase order will be publicly offered for sale without delay, and will be disposed of only to persons who give a certificate in writing with their purchase orders in substantially the form described in paragraph (e) (1) of this section (Housing Expediter Priorities Regulation 1).

(3) To the Reconstruction Finance Corporation buying under section 18 (e) of the Surplus Property Act for resale to persons who give the RFC with their purchase orders a certificate in writing substantially in the form described in subparagraph (1) or (2) of this paragraph.

During this exclusive offering period the agencies described in paragraph (d) of this section may not acquire any of the building materials or equipment covered by this section which are being offered for sale.

(f) *Precedence among eligible buyers during exclusive offering period.* During the exclusive offering period described in paragraph (e) of this section, WAA shall in general accept and fill orders from the eligible buyers listed in that paragraph in the sequence in which the orders are received by WAA. However, if the Housing Expediter or the WAA determines, before the exclusive offering period begins, that the amount of any building material or equipment covered by this section to be offered for sale by WAA at a particular place will be inadequate to meet the expected orders from buyers eligible under paragraph (e) of this section, WAA shall give preference during the exclusive offering period to orders from persons as described in paragraph (e) (1) of this section.

(g) *Other terms of sale.* During the periods described in paragraphs (d) and (e) of this section, the WAA may make disposals of building materials or equipment covered by this section in such quantities as WAA may determine, and upon such other terms as are not in conflict with this section.

(h) *Buyers eligible after exclusive offering period.* After the periods described in paragraphs (d) and (e) of this section have expired, WAA may dispose of the unsold balance of any lot in accordance with the Surplus Property Act and applicable sections issued under that act.

RESTRICTIONS ON BUYERS

(i) *Use by buyers described in paragraph (e) (1) of this section.* Any person obtaining building materials or equipment by use of the certificate described in paragraph (e) (1) of this section may use the building materials or equipment so obtained only in accordance with the terms of that certificate.

(j) *Sales by buyers described in paragraph (e) (1) of this section.* If it becomes impossible for a buyer who acquired building materials or equipment under paragraph (e) (1) of this section to use all of them in accordance with the certificate described in that subparagraph, he must publicly offer for sale the unused building materials or equipment and must dispose of them only to persons who give a certificate as described in paragraph (e) (1) or (e) (2)

of this section. In addition, he must not dispose of them even to such persons if he knows, or has reason to believe, that they will be acquired, used, or disposed of in violation of this section.

(k) *Sales by buyers described in paragraph (e) (2) of this section.* Any person obtaining building materials or equipment by use of the certificate described in paragraph (e) (2) of this section must dispose of the building materials or equipment so obtained only in accordance with the terms of that certificate. In addition, he must not dispose of them even to persons eligible under the terms of the certificate if he knows, or has reason to believe, that they will be acquired, used, or disposed of in violation of this section.

OTHER PROVISIONS

(l) *Effect of special directives or CPA urgency certificates.* This section does not apply to disposals of building materials or equipment by WAA pursuant to special directives issued by the Housing Expediter or the Civilian Production Administration. It also does not apply to a sale of building materials or equipment by WAA to a holder of an urgency certificate issued under direction 16 to Priorities Regulation 13 of the Civilian Production Administration.

(m) *Appeals.* Any person who considers that compliance with any provision in this section would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal shall be in the form of a letter in triplicate, addressed to the Housing Expediter, Washington 25, D. C., clearly stating the specific provision in the section appealed from and the grounds for claiming an exceptional and unreasonable hardship.

(n) *Violations.* Any person who wilfully violates any provision of this section and any person who knowingly makes any statement to any department or agency of the United States, as to any matter within its jurisdiction, which is false in any respect, or who wilfully conceals a material fact in any certificate required to be filed under this section, or who wilfully falsifies any records required to be kept under this section, shall, upon conviction thereof, be subject to fine or imprisonment or both, under the Veterans' Emergency Housing Act of 1946 and other applicable Federal Statutes. Any such person or any other person who violates any provision of this section may be prohibited from making or obtaining any further deliveries of, or from using, any materials or facilities suitable for housing construction, and may be deprived of priorities assistance for such materials or facilities.

(o) *Reporting and record requirements.* Each person or agency participating in any transaction to which this section is applicable shall complete and preserve, for at least two years, accurate and complete records of the details of each such transaction. All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of

1942. The record requirements of this section have been approved by the Bureau of the Budget in accordance with that act.

(Pub. Law 388, 79th Cong.; Pub. Law 507, 77th Cong., as amended, 56 Stat. 176; CPA Directive 44 (11 F.R. 8936))

Issued this 15th day of August, 1946.

WILSON W. WYATT,
Housing Expediter.

TABLE OF BUILDING MATERIALS AND EQUIPMENT
COVERED BY THIS SECTION

Aluminum, plate, sheet and strip and shapes.
Asbestos cement pipe, and fittings.
Asbestos flat sheets.
Bath tubs.
Bends, lead.
Blocks, building, concrete and cinder.
Boilers, low pressure residential heating.
Brick, ceramic and face.
Building sections, knocked down, portable, metal.
Burners, oil, domestic, apartment-type and hot water heating.
Burner units, boiler.
Cabinets, bath and medicine.
Casements, metal.
Caulking, lead.
Cement, Portland.
Closets, water.
Conduit, electrical, ¾" to 2" incl.
Controls, heating, domestic, and accessories.
Controls, oil burners.
Doors, door frames, metal.
Fabricated structural shapes and forms, iron and steel, suitable for housing construction only.
Fittings, conduit, metal.
Fittings, threaded, malleable, and cast iron, brass and bronze.
Floor coverings, hard surface.
Flooring, hardwood, including stair treads.
Furnace, warm air (gravity circulation, wall, floor, and forced air circulation).
Furnaces, gas fixtures.
Furnace pipe, fittings and duct work.
Fuses, electrical.
Gutters and downspouts, metal.
Hardboard, (tempered, untempered).
Hardware, builders'.
Hot water circulation, condensation, and vacuum heating pumps.
Insect screen cloth, metal.
Insulation board.
Insulators, electric.
Lath, metal, and accessories.
Lath, gypsum.
Lavatories.
Lighting fixtures, residence, electrical.
Lime.
Linoleum.
Linseed oil, raw and boiled.
Lumber.
Millwork, including frames, moulding, sash, doors, and built-in kitchen cabinets.
Nails, all types and sizes (except 3d to 6d, cement and bright box and common).
Paint, pigments, all types, thinners, dryers and varnishes.
Panels, sections, prefabricated, all types.
Paper, building and sheathing.
Pipe, lead, and fittings up to 1½".
Pipe, wrought iron and steel and fittings, black and galvanized.
Plumbing fixtures fittings and trim, brass, bronze and steel.
Prefabricated structures suitable for housing.
Putty.
Radiation, cast iron, tubular, cast iron convector, extended surface convector.
Range boilers, water; domestic, without coils or burner.
Refrigerators, domestic.
Registers and grilles, warm air; steel, other than ornamental.
Roofing, asphalt, asbestos, wood and metal.
Sash weights.
Screens, metal.

Septic tanks, all metal, reinforced concrete.
Sewer drain pipe, bituminized fiber.
Sewer pipe, clay, and fittings.
Sheet steel, form panels for foundation walls.
Shingles, all types.
Shower receptors.
Shower stalls.
Siding, asbestos cement.
Sinks, porcelain, metal, for domestic use.
Softwood plywood.
Soil pipe, cast iron.
Stairs, staircases, fire escapes, metal.
Steel, bars, rods, mesh reinforcing.
Steel sheets, galvanized and black.
Stokers, domestic.
Stoves, cooking and heating, domestic, including space heaters.
Tanks, expansion.
Tanks, storage, up to 550 gals., for oil, water, and liquefied gas.
Termite shields, metal.
Terneplate and roofing.
Tile, gypsum, except partition.
Tile, asphalt.
Tile, structural clay, hollow.
Traps, lead.
Tubing, copper, ½" to 1¼" inclusive.
Veneer, softwood.
Wallboard, fiber, laminated.
Wallboard, gypsum.
Windows, window frames, metal.
Weather stripping, rubber, wood and metal.
Water heaters, electric, side-arm, indirect, and direct-fire storage type.
Wire, domestic use.
Wire, copper, insulated (including Romex 8 B-X cable).
Wire, stucco mesh.
Wiring devices, electrical, residential type; such as switches, receptacles, wall plates.
Valves, iron and brass, gate and check, ½" to 12".
Valves, iron and brass, globe, ½" to 4", including boiler drains.
Valves, iron and brass, stop and waste up to 2".

[F. R. Doc. 46-14326; Filed, Aug. 15, 1946; 4:34 p. m.]

[Priorities Reg. 1, Corr.]

PART 803—PRIORITIES REGULATIONS UNDER
VETERANS' EMERGENCY HOUSING ACT OF
1946

SURPLUS BUILDING MATERIALS AND EQUIPMENT

In § 803.1 *Surplus building materials and equipment for the Veterans' Emergency Housing Program and the Veterans' Administration Construction Program* paragraph (d) is hereby corrected to read:

(d) *Agencies eligible during period prior to sale.* During a period of time depending upon the type of building material or equipment and the method of sale, and prior to the time any building materials or equipment covered by this section are first advertised or publicly offered for sale, such building materials or equipment may be transferred only:

(1) To the Veterans' Administration for use in the Veterans' Administration Construction Program.

(2) To the Federal Public Housing Authority, to the extent directed by the Housing Expediter, for use under Title V of the Act entitled "An Act to expedite the provision of housing in connection with the national defense, and for other purposes," approved October 14, 1940, as amended.

Paragraphs (c) and (e) of § 803.1 are hereby corrected by deleting the phrase "15-day" which appears in the first sentence of each of those paragraphs.

(Pub. Law 388, 79th Cong.; Pub. Law 507, 77th Cong., as amended, 56 Stat. 176; CPA Directive 44 (11 F.R. 8936))

Issued this 16th day of August 1946.

WILSON W. WYATT,
Housing Expediter.

[F. R. Doc. 46-14427; Filed, Aug. 16, 1946; 5:10 p. m.]

[Priorities Reg. 2]

PART 803—PRIORITIES REGULATIONS UNDER
VETERANS' EMERGENCY HOUSING ACT OF
1946

SURPLUS MATERIALS AND EQUIPMENT

§ 803.2 *Surplus materials and equipment for utilities servicing the Veterans' Emergency Housing Program and the Veterans' Administration Construction Program*—(a) *What this section provides.* This section provides for the channeling of certain surplus materials and equipment held by the War Assets Administration into the construction and maintenance of utilities (water, power, gas, or sewerage) which are necessary for housing accommodations constructed under the Veterans' Emergency Housing Program, and for hospitals and other facilities constructed under the Veterans' Administration Construction Program. This section is deemed necessary and appropriate in the public interest and to effectuate the purposes of the Veterans' Emergency Housing Act of 1946.

The materials listed in the table at the end of this section are suitable for the construction of housing accommodations and are in short supply. These materials, referred to in this section as "materials and equipment," are not now available in sufficient quantities from new production. Unless otherwise directed by the Housing Expediter or the Civilian Production Administration, any disposal by War Assets Administration of any of these materials or equipment held as surplus by WAA must be made subject to this section. Under this section, first opportunity for acquiring such materials and equipment held as surplus property by WAA is given to persons and governmental agencies and instrumentalities acquiring for use in utilities for the Veterans' Emergency Housing Program and the Veterans' Administration Construction Program. Special provision is made for a utility or governmental agency or instrumentality to use materials or equipment purchased under this section, to meet a public emergency arising within 90 days after such purchase and endangering the health or safety of a community.

RESTRICTIONS ON DISPOSALS BY WAA

(b) *Materials and equipment covered by this section.* This section applies only to the materials and equipment listed in the table at the end of this section. It applies whether the listed materials and equipment are new or used, and includes materials and equipment recovered or salvaged from dismantled surplus property. As used in this section, the term "materials" includes items customarily referred to as "supplies."

(c) *Surplus Property Act priority groups.* During the 15-day period de-

scribed in paragraph (d) of this section and the exclusive offering period described in paragraph (e) of this section, any disposal by WAA of the materials or equipment covered by this section shall be made without regard to the priority groups established in the Surplus Property Act. After these two periods have expired, disposal of such materials or equipment may be made in accordance with paragraph (h) of this section.

(d) *Agencies eligible during 15-day period prior to sale.* During a period of 15 days prior to the time any of the materials or equipment covered by this section are first publicly offered for sale, such materials or equipment may be transferred by WAA only:

(1) To the Veterans Administration for use in the Veterans Administration Construction Program.

(2) To the Federal Public Housing Authority, to the extent directed by the Housing Expediter, for use under Title V of the act entitled "An Act to expedite the provision of housing in connection with the national defense, and for other purposes," approved October 14, 1940, as amended.

(e) *Buyers eligible during exclusive offering period.* During a second period of time to be determined by WAA with respect to any of the above materials or equipment remaining to be disposed of after the 15-day period described in paragraph (d) of this section has expired, WAA must offer such materials or equipment exclusively for sale:

(1) To State or local governmental agencies or instrumentalities or publicly or privately owned utilities that give with their purchase orders a certificate in writing in substantially the following form:

The undersigned certifies to the War Assets Administration and the Housing Expediter, subject to the criminal penalties of sec. 35 (A) of the U. S. Criminal Code, that all the materials and equipment covered by this purchase order (1) are required for construction or maintenance of utilities (water, power, gas, sewerage) necessary to service housing accommodations for which priorities assistance has been assigned under the Veterans' Emergency Housing Program, or construction for which priorities assistance has been assigned under the Veterans Administration Construction Program, to which the following project or serial number or numbers have been assigned:----- and (2) will be used within 90 days from the date of this purchase order in such construction or maintenance (or may be used within the 90 days, for the repair of an essential utility servicing other housing accommodations, in order to meet a public emergency in connection with such utility which endangers the health or safety of a community, but will not be used for normal maintenance, repair, or operation of such utility).

(2) To contractors, subcontractors, or builders who give with their purchase orders a certificate in writing in substantially the following form:

The undersigned certifies to the War Assets Administration and the Housing Expediter, subject to the criminal penalties of sec. 35 (A) of the U. S. Criminal Code, that all the materials and equipment covered by this purchase order are required for and within 90 days of the date of this purchase order will be used in construction or main-

tenance of utilities (water, power, gas, sewerage) necessary to service housing accommodations for which priorities assistance has been assigned under the Veterans' Emergency Housing Program, or construction for which priorities assistance has been assigned under the Veterans' Administration Construction Program, to which the following project or serial number or numbers have been assigned:-----

During this exclusive offering period the agencies described in paragraph (d) of this section may not acquire any of the materials or equipment covered by this section which are being offered for sale.

(f) *Precedence among eligible buyers during exclusive offering period.* During the exclusive offering period described in paragraph (e) of this section WAA shall in general accept and fill orders from the eligible buyers listed in that paragraph in the sequence in which the orders are received by WAA. However, if the Housing Expediter or the WAA determines, before the exclusive offering period begins, that the amount of any building material or equipment covered by this section to be offered for sale by WAA at a particular place will be inadequate to meet the expected orders from buyers eligible under paragraph (e) of this section, the WAA shall give the following precedence to orders during the exclusive offering period:

(1) State or local governmental agencies or instrumentalities,

(2) Publicly or privately owned utilities.

(3) Contractors, subcontractors, or builders. (g) *Other terms of sale.* During the periods described in paragraphs (d) and (e) of this section, the WAA may make disposals of materials or equipment covered by this section in such quantities as WAA may determine, and upon such other terms as are not in conflict with this section.

(h) *Buyers eligible after exclusive offering period.* After the periods described in paragraphs (d) and (e) of this section have expired, WAA may dispose of the unsold balance of any lot in accordance with the Surplus Property act and applicable regulations issued under that act.

RESTRICTIONS ON BUYERS

(i) *Use by buyers described in paragraph (e) of this section.* Any person or governmental agency or instrumentality obtaining materials or equipment by use of either of the certificates described in paragraph (e) of this section may use the materials or equipment so obtained only in accordance with the terms of that certificate.

(j) *Sales by buyers described in paragraph (e) of this section.* If it becomes impossible for a buyer who acquired materials or equipment under paragraph (e) of this section to use all of them in accordance with the certificate described in that paragraph, he must publicly offer for sale the unused materials or equipment and must dispose of them only to a person or governmental agency or instrumentality as described in paragraph (e) of this section. In addition, he must not dispose of them even to such persons, agencies, or instrumentalities if he knows, or has reason to believe, that they

will be acquired, used, or disposed of in violation of this section.

OTHER PROVISIONS

(k) *Effect of special directives or CPA urgency certificates.* This section does not apply to disposal of materials or equipment by WAA pursuant to special directives issued by the Housing Expediter or the Civilian Production Administration. It also does not apply to a sale of materials or equipment by WAA to a holder of an urgency certificate issued under direction 16 to Priorities Regulation 13.

(l) *Appeals.* Any person who considers that compliance with any provisions of this section would result in an exceptional and unreasonable hardship on him may appeal for relief. An appeal shall be in the form of a letter in triplicate, addressed to the Housing Expediter, Washington 25, D. C., clearly stating the specific provision of the section appealed from and the grounds for claiming an exceptional and unreasonable hardship.

(m) *Violations.* Any person who willfully violates any provision of this section or who knowingly makes any statement to the Housing Expediter or the War Assets Administration, as to any matter within their respective jurisdictions, which is false in any respect, or who willfully conceals a material fact in any certificate required to be executed under this section, or who willfully falsifies any records required to be kept under this section, shall, upon conviction thereof, be subject to fine or imprisonment or both, under the Veterans' Emergency Housing Act of 1946 and other applicable federal statutes. Any such person or any other person who violates any provision of this section may be prohibited from making or obtaining any further deliveries of, or from using, any materials or facilities suitable for housing construction, and may be deprived of priorities assistance for such materials or facilities.

(n) *Reporting and record requirements.* Each person or agency participating in any transaction to which this section is applicable shall complete and preserve, for at least two years, accurate and complete records of the details of each such transaction. All persons affected by this section shall file such information and reports as may be required by the Housing Expediter (or any person or agency authorized by him to make such requests), subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942. The record requirements of this section have been approved by the Bureau of the Budget in accordance with that act.

(Pub. Law 388, 79th Cong.; Pub. Law 507, 77th Cong. as amended, 56 Stat. 176; CPA Directive 44 (11 F.R. 8936))

Issued this 15th day of August 1946.

WILSON W. WYATT,
Housing Expediter.

TABLE OF MATERIALS AND EQUIPMENT COVERED BY THIS REGULATION

Cable, electrical, lead covered.
Corporation cocks, brass, up to and including 1½" for water.

Gaskets, rubber, for water and gas pipe and mains.

Goosenecks, lead, with and without brass fittings, up to and including 1½", water.

Hydrants, fire, all types, for water.

Insulators, for power.

Jute, for water, gas and sewer pipes.

Lead, caulking.

Lightning arresters, for power.

Manhole frames and covers, cast iron, all types.

Meters:

(a) Electrical domestic.

(b) Gas, tinned steel and cast iron, for gas.

(c) Water, ½", ¾", 1".

Meter boxes:

(a) Frames and covers (all types) for water.

(b) Steel, for power.

Meter stops, up to and including 1½" for gas.

Pipe:

(a) Asbestos-cement, up to and including 24".

(b) Black, wrought, galvanized iron (services) up to and including 1½" for gas and water.

(c) Cast iron pressure, up to and including 24".

(d) Steel (mains) up to and including 12" for gas and water.

(e) Vitrified tile up to and including 24" sewers.

Pipe fittings:

(a) Cast iron and asbestos-cement (mains) up to and including 24" and stops.

(b) Black and galvanized iron (services) up to and including 1½".

(c) Vitrified clay fittings.

(d) Couplings and fittings for steel pipe.

Poles and cross arms, wood distribution type, power.

Pole-line hardware, for power.

Regulators, gas.

Transformers, up to and including 50 Kva.

Tile, open joint, up to and including 6" for drainage and septic tank fields.

Tubing, copper and copper alloy, up to and including 1½" for water and gas.

Service boxes, cast iron, for gas and water.

Valves, up to and including 24" for gas and water (mains and pipes).

Valve boxes and covers, cast iron, water and gas.

Wire, copper, electrical, insulated, weather-proofed, and bare.

[F. R. Doc. 46-14327; Filed, Aug. 15, 1946; 4:33 p. m.]

[Priorities Reg. 2, Corr.]

PART 803—PRIORITIES REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

SURPLUS MATERIALS AND EQUIPMENT

In § 803.2 *Surplus materials and equipment for utilities servicing the Veterans' Emergency Housing Program and the Veterans' Administration Construction Program*, paragraph (d) is hereby corrected to read:

(d) *Agencies eligible during period prior to sale.* During a period of time depending upon the type of material or equipment and the method of sale, and prior to the time any materials or equipment covered by this section are first advertised or publicly offered for sale, such materials or equipment may be transferred only:

(1) To the Veterans' Administration for use in the Veterans' Administration Construction Program.

(2) To the Federal Public Housing Authority, to the extent directed by the Housing Expediter, for use under Title V of the Act entitled "An Act to expedite the provision of housing in con-

nection with the national defense, and for other purposes," approved October 14, 1940, as amended.

Paragraphs (c) and (e) of § 803.2 are hereby corrected by deleting the phrase "15-day" which appears in the first sentence of each of those paragraphs.

(Pub. Law 388, 79th Cong.; Pub. Law 507, 77th Cong. as amended, 56 Stat. 176; CPA Directive 44 (11 F.R. 8936))

Issued this 16th day of August 1946.

WILSON W. WYATT,
Housing Expediter.

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TITLE 32—NATIONAL DEFENSE

Chapter III—Bureau of Mines, Department of the Interior

PART 304—FEDERAL MINE SAFETY CODE FOR BITUMINOUS-COAL AND LIGNITE MINES OF THE UNITED STATES

Pursuant to the authority outlined in section 2 (a) of the agreement between the Secretary of the Interior, acting as Coal Mines Administrator under the authority of Executive Order 9728 (dated May 21, 1946, 11 F.R. 5593), and the United Mine Workers of America, which agreement provides for the issuance by the Director of the United States Bureau of Mines of a reasonable code of standards and rules pertaining to safety conditions and practices in the coal mines of the United States, the following code is herewith promulgated in the interest of safety of mine workers at the mines in the possession of the United States under said Executive order.

No provision made herein shall be construed or operate to nullify any existing contract between mine employees and mine management or to nullify any existing State statutes, but this code is intended to supplement the aforesaid statutes in the interest of increased mine safety. All mines shall be inspected in accordance with the Federal Coal-Mine Inspection and Investigation Act of May 7, 1941, 55 Stat. 177 (See § 304.12 (e) (1)) by inspectors of the Federal Bureau of Mines. Any violations of this code shall be reported to the Coal Mines Administrator.

Sec.

- 304.1 Surface structures.
- 304.2 Miscellaneous surface conditions.
- 304.3 Timbering.
- 304.4 Explosives and blasting.
- 304.5 Ventilation and mine gases.
- 304.6 Coal and rock dust.
- 304.7 Transportation.
- 304.8 Electricity.
- 304.9 Safeguards for mechanical equipment.
- 304.10 Underground fire prevention, fire control, and mine disasters.
- 304.11 Miscellaneous.
- 304.12 General safety conditions.
- 304.13 Strip mining code.
- 304.14 Enforcement; review and revision.
- 304.15 Compliance with code.

AUTHORITY: §§ 304.1 to 304.15, inclusive, issued under agreement of May 29, 1946, between the Coal Mines Administrator and the United Mine Workers of America, pursuant

to Executive Order 9728 of May 21, 1946 (11 F.R. 5593).

§ 304.1 *Surface structures*—(a) *Tipple and cleaning plant.* (1) In dusty locations, electric motors, switches, and controls shall be of dusttight construction. Open-type motors, switches, or controls now in use in tipples and cleaning plants in dusty locations may be continued in use until such dusttight equipment can be procured, or until they can be corrected with reasonably dusttight housings or enclosures.

(2) Structures shall be kept free of coal-dust accumulations.

(3) Where coal is dumped at or near air intake openings, reasonable provisions shall be made to prevent the dust from entering the mine.

(4) Where repairs are being made to the plant, proper scaffolding and proper overhead protection shall be provided for workmen wherever necessary.

(5) Welding shall not be done in dusty atmospheres or dusty locations, and fire-fighting apparatus shall be readily available during welding.

(b) *Lamp houses.* (1) Naphtha or other flammable liquids in lamp houses shall be kept in approved containers or other safe dispensers.

(2) Flame safety lamps shall be permissible and maintained in permissible condition. All flame safety lamps shall be checked by the persons using them, by a qualified lamp attendant, or by a fire boss, immediately before entering the mine.

(3) When not in service, flame safety lamps and electric cap lamps shall be under the charge of a responsible person.

(c) *Stairways, ladders, and platforms.* (1) Stairways, ladders, elevated platforms, and runways shall be equipped with handrails.

(2) Elevated platforms and stairways shall be provided with toeboards where necessary, and they shall be kept clear of refuse and maintained in good repair.

(d) *Housekeeping.* (1) Good housekeeping shall be practiced in and around mine buildings and yards. Such practices include cleanliness, orderly storage of materials, and the removal of possible sources of injury, such as stumbling hazards, protruding nails, and broken glass.

§ 304.2 *Miscellaneous surface conditions*—(a) *Surface fire prevention.* (1) Oil, grease, and similar flammable materials shall be stored in closed containers, separate from other materials so as not to create a fire hazard to nearby buildings or mines. If oil or grease is stored in a building, the building or the room in which it is stored shall be of fire-resistant material and well ventilated. Tight metal receptacles shall be provided for oily waste.

(2) Smoking in or about surface structures shall be restricted to places where it will not cause fire or an explosion.

(3) Unless existing structures located within 100 feet of any mine opening are of reasonably fireproof construction, fire doors shall be erected at effective points in mine openings to prevent smoke or fire from outside sources endangering men working underground. These doors shall be tested at least monthly to insure effective operation.

§ 304.3 Timbering—(a) Timbering system. (1) Minimum standards for systematic timbering suitable to the roof conditions and mining system of each mine shall be adopted. The minimum standards of timbering shall be complied with by workmen and officials, and additional timbering shall be done wherever it is necessary to afford adequate protection.

(b) *Timber supply and timbering.* (1) At each mine, the management shall provide at or near the face workings an ample supply of timber and cap pieces or wedges of proper size with which to timber all working places in a safe manner.

(2) Temporary safety posts, jacks, or cross bars shall be set close to the face when necessary, before other mining operations are begun, and as needed thereafter.

(3) All underground working places shall be timbered sufficiently to protect employees working at the face from falls of roof, ribs, or face. Loose top and overhanging or loose faces and ribs shall be either timbered adequately or taken down.

(4) Timber removed by cutting-machine or loading-machine operators or knocked out by blasting shall be replaced promptly, unless they are not needed for adequate roof support or protection.

(c) *Testing of roof, ribs, and face.*

(1) It shall be the duty of the mine foreman or mine manager, assistant mine foreman and mine inspectors to ascertain if workmen understand roof, rib, and face testing. Uninformed workmen and new employees shall be instructed properly in correct methods of testing.

(2) Face workers and other employees exposed to hazards from falls of rock and coal shall, unless this testing is specifically and satisfactorily performed by others, examine and test the roof, ribs, and face before starting work or before starting a machine and frequently thereafter. When dangerous conditions are found, they shall be corrected immediately by taking down loose material or by proper and adequate timbering before work is continued or any other work is done.

(3) During work on any shift, the mine foreman or mine manager in charge of the shift or his designated assistants shall examine, or cause to be examined by a competent person, roof, ribs, and face working places and passageways where men travel, for dangerous conditions. Where found, such dangerous conditions shall be corrected promptly by removing loose roof or rib, by adequate timbering, or duplication of defective timbering where necessary. Such timbering shall conform to the clearance provisions hereinafter provided.

(4) When there is danger of coal rolling on a person during or after undercutting or center cutting, it shall be spragged by placing blocks in the cut or by blocking with leaning posts.

(d) *Removal of timber.* (1) In worked-out places where timbers are being removed, persons engaged in drawing timber shall not be permitted to work alone.

§ 304.4 Explosives and blasting—(a) Surface magazines. (1) Separate surface magazines shall be provided for the storage of explosives, detonators, and Cardox heater elements.

(2) Surface magazines for storing and distributing high explosives in amounts exceeding 125 pounds shall be:

(i) Reasonably bulletproof and constructed of incombustible material or covered with fire-resistive material. The roofs of magazines so located that it is impossible to fire bullets directly through the roof from the ground, need not be bulletproof, but where it is possible to fire bullets directly through them, roofs shall be made bullet-resistant by material construction, or by a ceiling that forms a tray containing not less than a 4-inch thickness of sand, or by other methods.

(ii) Provided with doors constructed of $\frac{3}{8}$ -inch steel plate lined with a 2-inch thickness of wood, or the equivalent.

(iii) Provided with floors made of wood or other nonsparking material and have no metal exposed inside the magazine.

(iv) Provided with suitable warning signs so located that a bullet passing directly through the face of a sign will not strike the magazine.

(v) Provided with properly screened ventilators.

(vi) Equipped with no openings except for entrance and ventilation.

(vii) Kept locked securely when unattended.

(3) Surface magazines for storing black blasting powder, detonators, and Cardox heater elements need not be bulletproof, but they shall be in accordance with other provisions for storing high explosives.

(4) High explosives, black blasting powder, or Cardox heater elements in amounts of 125 pounds or less or 5,000 detonators or less shall be stored in accordance with preceding standards or in separate box-type magazines. Box-type magazines may also be used as distributing magazines when quantities do not exceed those mentioned. Box-type magazines shall be constructed strongly of 2-inch hardwood or the equivalent. Metal magazines shall be lined with non-sparking material. No magazine shall be placed in a building containing oil, grease, gasoline, waste paper, or other highly flammable material, nor shall a magazine be placed less than 20 feet from a stove, furnace, open fire, or flame.

(5) After the effective date of this code, and where practicable, the location of magazines shall be not less than 200 feet from any mine opening unless effectively barricaded.

(6) The supply kept in distributing magazines shall be limited to approximately one day's requirements, and such supplies of explosives and detonators may be distributed from the same magazine, if separated by at least a 6-inch substantially fastened hardwood partition or the equivalent.

(7) The area surrounding magazines for not less than 25 feet in all directions shall be kept free of rubbish, dry grass, or other materials of a combustible nature.

(8) If the explosives magazine is illuminated electrically, the lamps shall be of explosion-proof type, installed and wired so as to present minimum fire and contact hazards.

(9) Only nonmetallic tools shall be used for opening containers. Extraneous materials shall not be stored in an explosives or detonator magazine.

(10) Smoking, carrying smokers' articles, or open flame shall be prohibited in or near any magazine.

(b) *Cardox charging station.* (1) A Cardox charging station shall:

(i) Be in a fireproof structure on the surface or isolated from other operations in the same building by a substantial fireproof partition.

(ii) Be provided with at least two methods of relieving excess pressure in the storage tank. If one of these methods is a valve, the valve shall be tested monthly.

(iii) Have a box-type magazine or equivalent for storing the daily supply of heater elements.

(c) *Underground transportation.* (1) Individual containers used to carry permissible explosives or detonators shall be constructed of substantial nonconductive material. Other explosives shall be carried in rigid nonconductive containers. The container shall be closed and maintained in good condition.

(2) When explosives or detonators are transported underground by locomotive, rope, or shuttle car, they shall be in covered cars or in special containers.

(i) The bodies and covers of special cars and the containers shall be constructed of nonconductive material.

(ii) If explosives and detonators are hauled in the same explosive car or in the same special container, they shall be separated by at least a 4-inch substantially fastened hardwood partition or the equivalent.

(iii) Permissible explosives and detonators not to exceed one day's supply may be carried on the same trip with workmen, where this is now the practice, provided that individual special containers are constructed of substantial, rigid, nonconductive material and explosives and detonators are carried in separate containers.

(iv) Nonpermissible explosives shall not be carried on man-trips or material trips, but only on special trips. Cardox shells shall not be carried on man-trips.

(v) Where quantities of explosives and detonators are transported in special cars or in special containers in cars (not carried by individual workmen on man-trips), they shall be hauled on a special trip, not connected to any other trip, and shall not be hauled into or out of a mine within five minutes preceding or following a man-trip or any other trip.

(3) Explosives and detonators shall be transported underground by belt only under the following conditions:

(i) In the original and unopened case, in special closed cases constructed of nonconductive material, or in suitable individual containers.

(ii) Clearance requirements shall be the same as those for transporting men on belts. (See § 304.7 (g) (9)).

(iii) Suitable loading and unloading stations shall be provided.

(iv) There shall be an attendant at loading and unloading points and stop controls at these points.

(4) Explosives or detonators shall not be transported on flight or shaking conveyors, or by scraper or mechanical loading machines.

(d) *Underground storage.* (1) Underground section boxes or magazines shall be of substantial construction and placed in a crosscut or idle room neck at least 25 feet from roadways or trolley wires and in a reasonably dry and well rock-dusted place.

(2) When such section boxes or magazines are used, the explosives and detonators shall be kept in separate boxes or magazines, or if kept in the same box they shall be separated by at least a 4-inch substantially fastened hardwood partition or the equivalent. Not more than a 48-hour supply of explosives, including any surplus remaining from the previous day shall be stored underground in such boxes or magazines.

(3) Explosives kept near the working faces in individual containers shall be kept not less than 15 feet from rail or power lines, except that if kept in a niche in the rib, the distance shall be at least 5 feet, and in a location out of line of blast where they will not likely be subjected to shock. Detonators shall be kept in a separate container under similar condition.

(4) Explosives and detonators shall be kept in their containers until removed for use at the working faces.

(e) *Blasting practices.* (1) In all mines, for the blasting of coal or other blasting operations, permissible explosives or permissible blasting devices shall be used except as hereinafter provided for. The use of permissible explosives shall comply with the following:

(i) Fired only with electric detonators of proper strength.

(ii) Fired with permissible single-shot blasting units or permissible multiple-shot blasting units (when available), unless blasting is done from the surface.

(iii) Boreholes in coal shall not be drilled beyond the back of the cut, nor into the solid rib, roof, or floor.

(iv) Boreholes shall be cleaned and checked to see that they are placed properly and are of correct depth, in relation to the cut, before being charged.

(v) To prevent blow-throughs, all portions of the boreholes where the height of the coal permits, shall have a burden in all directions of at least 18 inches before being fired.

(vi) Boreholes shall be stemmed with at least 24 inches of incombustible material, or at least one-half of the length of the hole shall be stemmed if the hole is less than 4 feet in depth.

(vii) Examinations for gas shall be made immediately before and after firing each shot where on-shift shooting is done. (See § 304.5 (j) (1)).

(2) Charges exceeding 1½ pounds, but not exceeding 3 pounds, shall be used only if boreholes are 6 feet or more in depth, and explosives are charged in a continuous train, with no cartridges deliberately deformed or crushed, with all cartridges in contact with each other,

and with the end cartridges touching the back of the hole and the stemming respectively, and Class A or Class B permissible explosives are used.

(3) Shots shall be fired by certified shot firers. In the absence of State certification, competent persons shall be designated to fire shots. The shot firer or such designated person shall comply with the requirements of paragraphs (e) and (f) of this section.

(4) In mines where shooting is done on shift, all shots or series of shots shall be fired immediately after charging.

(5) Only wooden tamping bars shall be used when charging holes.

(6) Leg wires of electric detonators shall be kept shunted or the ends twisted together until ready to connect to the firing cable.

(7) Shots shall not be fired from the power or signal circuit while any men are in the mine.

(8) Roof and faces of working places shall be tested before and after blasting on shift.

(9) Ample warning shall be given before shots are fired, and care shall be taken to ascertain that all persons are in the clear. Men shall be removed from adjoining working places when there is danger of a shot blowing through.

(10) Mixed charges shall not be charged or fired in any borehole.

(11) Adobe (mudcap) or other open, unconfined shots shall not be fired in any mine.

(f) *Blasting cables.* (1) Blasting cables shall be:

(i) Well insulated and as long as may be necessary to permit the shot firer to get in a safe place around a corner.

(ii) Short-circuited at the battery end until ready to attach to the blasting unit.

(iii) Staggered as to length or kept well separated when attached to the detonator leg wires.

(iv) Kept clear of power wires and all other possible sources of active or stray currents.

(g) *Black blasting powder.* (1) The storage, handling, and use of black blasting powder in any form for blasting purposes in mines is herewith declared dangerous. However, because of physical characteristics of some coal beds and surrounding strata, certain mines are now using black powder for blasting. Where black blasting powder is used, the following shall apply:

(i) The provisions governing the handling, transportation, and storage of permissible explosives underground shall apply to the handling, transportation, and storage of granular or pellet black powder, except that black blasting powder shall be hauled only on special trips.

(ii) Blasting with granular or pellet black powder shall be done after the end of the shift when all men are out of the mine, except the necessary number of men to perform the actual shooting; *Provided, however,* That black powder may be fired on shift if it is proved to the satisfaction of the Director of the United States Bureau of Mines that 0.25 percent of methane or more by chemical analysis cannot be found in the mine, that rock dusting is maintained in accordance with provisions of § 304.6 (b), that the

use of permissible explosives would interfere seriously with the operation of a mine or destroy the marketability of the coal, or that the physical conditions and cycle of operation is such that blasting cannot be done on the off shift: *And provided further,* That pending establishment of the conditions stated above, which shall be done promptly, on-shift blasting may continue.

(iii) At every mine where granular or pellet black powder is used for blasting, shot firers shall be employed to charge, tamp, and fire all shots, and they shall be certified under the laws of the State in which the mine is located. In States where no provision is made for the certification of shot firers, competent and capable men shall be designated as shot firers.

(iv) Shot firers shall make an examination of each drill hole prior to charging.

(v) Holes drilled on the solid into ribs, roof, or floor shall not be charged or fired.

(vi) Center or breaking shots shall be fired first, and after these shots have exploded, the shot firer shall return and fire the remaining shots.

(vii) Shots shall be fired singly except when fired from the surface with all persons, including shot firers, out of the mine.

(viii) Boreholes shall not be underloaded or overloaded.

(ix) Granular black powder shall be inserted into each borehole in the form of a cartridge. Loose powder shall not be used.

(x) Holes shall be tamped tightly to the mouth with incombustible material and only wooden tamping bars shall be used.

(xi) The firing of shots shall be done with electric squibs and an electric blasting unit and mine current shall not be used to set off shots unless all men, including shot firers, are out of the mine.

(xii) The firing cable shall be well insulated and as long as may be necessary to permit the shot firer to get in a safe place around two corners.

(xiii) Adobe (mudcap) or other open, unconfined shots shall not be fired in any mine.

(h) *Misfires.* (1) Where misfires occur with electric detonators or electric squibs, a waiting period of at least 5 minutes shall elapse before anyone returns to the shot. After such failure, the blasting cable shall be disconnected from the source of power and the battery end short-circuited before electric connections are examined.

(2) Explosives shall be removed by firing a separate charge at least two feet away from and parallel to, the misfired charge or by washing the stemming and the charge from the borehole with water, or by inserting and firing a new primer after the stemming has been washed out.

(3) A very careful search of the working place, and, if necessary, of the coal after it reaches the tippie shall be made after blasting a misfired hole, to recover any undetonated explosive.

(4) The handling of a misfired shot shall be under the direct supervision of the mine manager or mine foreman or a competent person designated by him.

(i) *Cardox*. (1) The provisions governing the handling, storage, and transportation of explosives shall apply to the heater elements of Cardox blasting devices prior to their installation in the shells.

(2) Charged Cardox shells shall be transported underground in insulated cars or in insulated boxes placed in ordinary mine cars and shall be stored on wooden racks, built for that purpose, in a crosscut or an idle room neck, at least 10 feet from power lines and haulage tracks.

(3) Where Cardox is used for blasting, the following shall apply:

(i) Cardox shells need not be tamped or stemmed.

(ii) When Cardox is fired all persons in the vicinity, including the shot firer, shall be around a second corner or in an equally safe place.

(iii) Blasting cables shall be as long as may be necessary to assure the safety of the shot firer, attached only after the charge has been placed in the borehole, and maintained in good repair.

(iv) The charge shall be detonated with a permissible shot firing unit.

(v) Cardox shall not be shot off the solid, over heavy rock binders or shale, or in a "tight" shot.

(vi) Cardox misfires caused by the failure of the disk to rupture shall not be removed from the hole until after the lapse of 15 minutes and shall be handled under the supervision of a foreman or other competent designated person.

(vii) Misfired shells shall be bled off promptly and marked conspicuously upon removal from the hole.

(j) *Airdox*. (1) Where Airdox is used for blasting or breaking down the coal, the following shall apply:

(i) Compressed air shall be conducted from the compressor to within a practical working distance of the face by steel air lines tested to withstand an approximate pressure of 20,000 pounds per square inch.

(ii) Air lines shall be grounded at the compressor and, if possible, at other low-resistance ground connections along the lines, such as at borehole casings. They shall not be connected in any way to tracks, water lines, or other electric power return conductors and shall be suitably insulated where they cross electric wires or underneath the track.

(iii) Unions shall be installed in steel air lines at not more than 1,000-foot intervals.

(iv) Shut-off valves shall be installed every 1,000 feet in all Airdox lines and, in all branch lines, at a point near the main lines.

(v) Airdox lines shall be protected at places where equipment passes over, under, or adjacent to them.

(vi) Steel or copper lines shall not be handled or repaired when air pressure is in the line.

(vii) Air lines shall be examined periodically for kinks or other weaknesses and replaced immediately when defects are found.

(viii) Copper tubing shall be coiled and uncoiled properly. The part of the tubing that is affected by frequent coiling and uncoiling shall be renewed peri-

odically because of the dangers from kinks and crystallization.

(ix) Blow-down valves shall not be less than 45 feet from the face and shall be around a right angle.

(x) Holes for Airdox tubes shall not be drilled on the solid.

(xi) The Airdox tube shall be pushed to the back of the drill hole and then withdrawn 6 to 12 inches to form an air cushion.

(xii) When blow-down valves are opened to discharge the Airdox tube, they shall remain open until time to place the tube in the next borehole.

(xiii) After the breaking down of the coal in any one place, the tube shall be disconnected at once from the air line and not reconnected until ready to be used in the next place.

(xiv) When an Airdox tube fails to discharge, the copper line leading to the tube shall be disconnected at the blow-down valve and the tube shall be dragged by means of the copper line to an abandoned place, marked with warning signs, and left for 12 hours before any repair work is done.

(xv) All persons shall be removed from adjoining working places where there is danger of breaking through and shall be at a safe distance around a right angle, while coal breaking is in progress.

§ 304.5 Ventilation and mine gases—

(a) *Main fans*. (1) All main fans shall be installed on the surface in fireproof housings, situated not less than 15 feet from the nearest side of the mine opening, and be equipped with fireproof air ducts and ample pressure-relief or explosion doors. However, present fans that are offset any distance from the mine opening need not be moved if they otherwise comply with the provisions of this section.

In lieu of requirements for the location of the fan and the pressure-relief or explosion doors, the fan may be directly in front of, or over, the mine opening: *Provided*, The opening is not in direct line with possible forces coming out of the mine if an explosion occurs: *And provided further*, That there is another opening having a weak-wall stopping or explosion doors that would be in direct line with the forces coming out of the mine if an explosion occurs, such opening to be not less than 15 feet nor more than 100 feet from the fan opening.

(2) Main fans now located at the bottom of a shaft in fireproof surroundings may be continued in use. Future installations of a main fan at the bottom of a shaft may be permitted only after a finding by the Director of the United States Bureau of Mines, that such installation is necessary, that it would not materially increase the hazards of the mine, and that conditions, such as a surface stand-by fan, and other safety requirements that he may prescribe, will be complied with.

(3) Main mine fans shall be installed to permit the reversal of air flow, provided with a pressure-recording gage and, unless the fan is attended constantly, an automatic device to give alarm when the fan slows down or stops. This device shall be placed so that it will be seen or heard by a responsible person.

(4) The fan shall be on a separate power circuit, independent of the mine circuit. (See paragraph (j) (1) of this section.)

(5) Main-fan installations shall be protected from wood fire, grass fire, and rubbish for at least 100 feet in all directions, from the fan installations, where physical conditions permit.

(6) The fan shall be inspected daily and a record kept of the inspection, which shall be open for inspection by interested persons.

(7) When the main fan fails or stops, immediate action shall be taken to cut off the power and withdraw the men from the face regions of the mine. If ventilation is restored in a reasonable time, the face regions and other places where methane is likely to accumulate shall be reexamined by certified or capable supervisors, and if found to be free from explosive gas, power may be restored and work resumed. If ventilation is not restored in a reasonable time, all underground employees shall be removed from the mine. (See paragraph (j) (1) of this section.)

(8) Main fans shall be operated continuously except when the mine is shut down with all men out of the mine. In such event, after the fan has been started, the mine shall be examined for gas and other hazards and made safe before men, other than the examiners, are permitted in the mine.

(b) *Booster and auxiliary fans*. (1) After the effective date of this code, the installation of booster fans shall not be permitted, unless after a finding by the Director of the United States Bureau of Mines, that such installation is necessary for the safe operation and proper ventilation of the mine, that it would not materially increase the hazard of the mine, and that such conditions and safeguards as he may prescribe will be complied with. In mines where such fans are now being used, their use may be continued, but they shall be surrounded with safeguards as follows:

(i) The fan motor shall be an enclosed type, the surroundings of the fan fireproofed, and the fan installed and located so as to prevent recirculation of air.

(ii) Passageway by the fan installation shall be by means of an air lock, the doors of which shall have at least 30 square feet cross-sectional area and open automatically when the fan stops operating.

(iii) In case of booster-fan stoppage, the procedure hereinbefore contained in this code with respect to stoppage of main fans shall apply to the section of the mine affected.

(iv) Inspected at least twice each shift and provided with a signal light, audible signal, or attended constantly.

(2) Auxiliary or blower fans with tubing may be used to ventilate shaft and slope sinking operations and their underground connections, the faces of rock tunnels being driven between two coal beds or through faults and wants, if they are powered with permissible driving units, operated continuously, inspected at least twice during each shift and so placed that recirculation of air is not

possible. (See paragraph (j) (1) of this section.)

(3) After the effective date of this code, auxiliary or blower fans with tubing shall not be used, except as provided for in subparagraph (2) of this paragraph; however, the use of blower fans with tubing may be continued in mines where they are now being used, but they shall be surrounded with safeguards as follows:

(i) The fan shall be powered with a permissible driving unit and installed on the intake-air side of the entrance of the place to be ventilated so as to prevent the recirculation of air. (See paragraph (j) (1) of this section.)

(ii) The volume of air passing the fan shall not be less than $2\frac{1}{2}$ times the capacity of the fan.

(iii) The fan tubing shall be maintained in good condition. The discharge end of the tubing shall be kept within 20 feet of the face, and not more than 300 feet of the tubing shall be extended from the fan.

(iv) Places ventilated by means of blower fans shall be examined for methane by a certified official or other competent person designated by the mine foreman or mine manager before the fan is started at the beginning of the shift and after the interruption of fan operation for 5 minutes or more during the shift. (See paragraph (j) (1) of this section.)

(v) Accumulations of methane shall not be moved by means of a blower fan and tubing; only line brattice shall be used for this purpose.

(vi) The fan and tubing shall be inspected at least twice during each working shift.

(c) *Volume of air.* (1) The main intake air current shall be directed into splits utilizing air crossings, where needed, so as to ventilate all parts of the mine effectively.

(2) The number of men on a split shall conform to the requirements of the law of the State in which the mine is situated.

(3) The quantity of air reaching the last open crosscut in any pair or set of entries shall not be less than 6,000 cubic feet a minute. However, the quantity of air reaching the last open crosscut in any pair or set of entries in pillar sections may be less than 6,000 cubic feet a minute. *Provided*, That at least 6,000 cubic feet of air a minute is being delivered to the intake end of the pillar line. Mines now operating without the prescribed quantity of air in the last open crosscut of each pair or set of entries may continue to operate in such manner, but prompt action shall be taken to deliver the required minimum volume of air in the last open crosscut of each pair or set of entries in the mine.

(4) The air current at working faces shall under any condition have a sufficient volume and velocity to dilute and carry away smoke from blasting and any flammable or harmful gases.

(5) At least once each week, the mine foreman or mine manager, his assistants, or other competent persons designated by the mine foreman or mine manager, shall measure the volume of air near the

main intake or main return, the amount passing through the last open crosscuts of entries, and the volume of air in each split. A record of these measurements shall be kept in a book on the surface and shall be open for inspection by interested persons.

(d) *Coursing of air.* (1) The main-intake and main-return air currents in slope mines driven after the effective date of this code shall be in separate openings. The main-intake and main-return air currents in a single shaft sunk after the effective date of this code shall be separated by a curtain wall or partition substantially constructed of fire-proof material.

(2) Underground stables, battery-charging stations, and transformer stations containing liquid-filled transformers shall be well ventilated by separate splits of air conducted through vents to the return air courses and returning direct to the surface.

(3) Changes in ventilation that may affect the safety of the men shall be made when the mine is idle and with no men in the mine, other than those engaged in changing the ventilation.

(e) *Quality of air.* (1) Air in which men work or travel in mines shall be improved when it contains less than 19.5 percent oxygen, more than 0.5 percent carbon dioxide, or is contaminated with noxious or poisonous gases.

(2) If the air immediately returning from a split that ventilates any group of active workings contains more than 1.0 percent methane, as determined with a permissible flame safety lamp, by air analysis, or by other recognized means of accurate detection, the ventilation shall be improved.

(3) If the air immediately returning from a split contains 1.5 percent methane, the employees shall be withdrawn from the mine or portion of the mine affected, and all power shall be cut off from said mine or portion of the mine, until such dangerous condition has been corrected; *Provided, however*, That in virgin territory in those mines ventilated by exhaust fans, where methane is liberated in large amounts and a large volume of air is provided (double or more than the minimum requirements contained in paragraph (c) (3) of this section), the methane content in a split may exceed 1.5 percent but shall not exceed 2.0 percent; *Provided further*, That only permissible electric equipment is used, that the air does not pass over trolley or other bare power wires, and that a certified official is continually testing the gas content of the air during mining operations.

(4) At working faces and other places where methane has accumulated and is likely to attain an explosive mixture, blasting shall not be done and the men shall be removed from such working faces or places until such condition has been corrected.

(5) When the methane content of air in face operations exceeds 1 percent at any point not less than 12 inches from the roof, face, or rib, as determined by a permissible methane detector, a permissible flame safety lamp, or by chemical analysis, this condition shall be corrected by improving the ventilation promptly.

(f) *Crosscuts and stoppings.* (1) Crosscuts between entries and room shall be made at intervals consistent with practice in the States where mine operations are conducted.

(2) Crosscuts between entries shall be closed, except the last one in a pair or set of entries.

(3) Where necessary to obtain a movement of air to the face of a room to clear the room of flammable or noxious gases, crosscuts between rooms shall be closed, except the one nearest the face.

(4) Where practicable, a crosscut shall be provided at or near the face of each entry or room before the place is abandoned.

(5) Entries, rooms, or chutes shall not be turned off an entry beyond the last crosscut. This does not apply to the driving of such places to make a connection at the first crosscut or similar passageway used as a main airway in connection with an entry. It does apply to extending such places beyond the airway before the main intake and return passageways are connected.

(6) On entries other than room entries, stoppings in crosscuts between intake and return airways shall be built of solid, substantial, incombustible material, such as concrete, concrete blocks, brick, or tile. In mines where physical conditions exist because of heavy or caving ground so as to make the use of concrete, concrete blocks, brick or tile impracticable, timbers laid longitudinally "skin to skin" may be used.

(g) *Doors and overcasts.* (1) Doors used on main-entry or cross-entry (entries from which room entries are turned) haulage roads, which when open would connect intake and return air courses ventilating the mine in by such doors, shall be built to allow minimum leakage of air and shall be in pairs to provide an air lock large enough to contain an entire trip; *Provided however*, When only a single door is installed, such single door shall be attended except in the case of panel or room entries in process of development. Where air-lock doors are provided, there shall be sufficient leakage to prevent accumulations of methane between the doors.

(2) Doors shall be kept closed except when men or equipment is passing through the doorways. Motor crews and other persons who open doors shall see that the doors are closed before leaving them.

(3) Overcasts shall be constructed tightly of incombustible material, such as masonry, concrete, concrete blocks, or prefabricated metal, of sufficient strength to withstand possible falls from the roof, and be of ample area to pass the required quantity of air.

(h) *Line brattice.* (1) Substantially constructed line brattice shall be used from the last open crosscut of an entry or room, when necessary to remove gases, explosives fumes, and smoke. When damages by falls or otherwise they shall be repaired promptly.

(2) The space between the line brattice and the rib shall be large enough to permit the flow of a sufficient volume of air to keep the working face clear of flammable and noxious gases.

(3) Flame-resistive brattice cloth shall be used in the construction of line brattice.

(i) *Old workings.* (1) Abandoned workings shall be posted to warn unauthorized persons against entering the territory.

(2) Abandoned workings shall be sealed or ventilated. The sealing or ventilating of abandoned workings shall be governed by the law or practice in the State where the mine is operated.

(3) Where practice is to seal abandoned workings, the sealing shall be done in a substantial manner with incombustible material. In every sealed area, one or more of the seals shall be fitted with a pipe and cap or valve to permit the gases behind the seals to be sampled and also to provide a means of determining any existing hydrostatic pressure.

(4) Air that has passed through abandoned sections or that has been used to ventilate pillar lines shall not be reused to ventilate live workings. Mines that cannot comply with this requirement may continue to operate as at present until future mine development and ventilation can be changed to permit compliance with this section. (See paragraph (j) (1) of this section).

(j) *Examinations for gas and dangerous conditions.* (1) Any mine in which has been ignited or has been found by a permissible flame safety lamp or by air analysis in an amount of 0.25 percent or more in any open workings shall be operated in full compliance with this code. However, a mine in which methane has not been detected shall be exempted from compliance with the following provisions or the part thereof indicated:

§ 304.4 (e) (1) (vii);

§ 304.5 (a) (4); (a) (7), (b) (2), (b) (3) (i) (permissible driving unit only), (b) (3) (iv), (i) (4), (j) (3), (j) (10) (gas and oxygen testing only), and (j) (11) (gas testing only);

§ 304.7 (f) (4) (exempt open-flame trip lights shall not be used);

§ 304.8 (i) (1), (i) (3), (i) (4), (i) (6) (gas testing only), and (i) (8);

§ 304.11 (e) (1), (f) (1), (f) (2) (gas testing only);

§ 304.12 (a) (3) (permissible cap lamp and flash lamp only).

The exemptions from compliance hereinbefore provided for shall continue until the presence of gas in the mine has been verified by the United States Bureau of Mines and the operating manager advised thereof.

(2) Not less than two permissible flame safety lamps in proper working condition shall be kept available at each mine for the use of authorized persons. Only permissible flame safety lamps, methane detectors, or air sampling and analysis shall be used for determining the presence of methane in mine air.

(3) Mine officials whose regular duties require them to inspect working places shall have in their possession when underground, a permissible flame safety lamp in safe working condition, for the detection of methane and oxygen deficiency. (See subparagraph (1) of this paragraph.)

(4) Fire bosses or mine examiners shall make examinations of all mines before other men are permitted to enter, and they shall begin their examination

in the first working place in their assigned territory not more than 4 hours before the first shift enters the mine; however, such examinations in multiple-shift operations may be made by certified officials or other competent persons designated by the mine foreman or mine manager within 4 hours of the entrance of the next or succeeding shift: *Provided*, That in mines in which gas has not been found, such examination need be made only once in 24 hours.

(5) The duties of the fire boss or mine examiner shall be to visit every live working place in the mine; test with a permissible flame safety lamp for accumulations of methane, noxious gases, and oxygen deficiency; examine seals and doors; test and inspect the roof, face, and rib conditions on active roadways and travelways, approaches to abandoned workings, and accessible falls in active sections for explosive gas and other hazards; be certain that the air is traveling in its regular course in each split; and he shall place his initials and the date at or near the face of each place examined.

(6) Where dangerous conditions are found by the fire boss or mine examiner (or other official), the place shall be marked out with a danger sign and no one except an authorized person shall cross the danger sign and then only for the purpose of correcting the dangerous condition.

(7) Upon completion of his examination, the fire boss or mine examiner shall report to a proper official on the surface or report at a designated underground station any defects found, before the men enter the mine or pass such designated station.

(8) The fire boss or mine examiner shall record in ink or indelible pencil the result of his inspection in a book, kept on the surface for that purpose. Similar records may also be kept at designated stations underground.

(9) Idle and abandoned sections shall be inspected for gas and other dangerous conditions by a certified foreman or fire boss immediately before other employees are permitted to enter or work in such places.

(10) At least once during each shift while the men are in the mines, or oftener if necessary for safety, the mine manager or mine foreman, his designated assistants, or other designated competent persons shall examine all working places with a permissible flame safety lamp for methane, noxious gases, oxygen deficiency, and other hazards. Any dangerous condition found shall be corrected promptly. (See subparagraph (1) of this paragraph.)

(11) Pillar workings shall be examined for explosive gas and other dangers before a fall is made. If methane is found in amounts that can be detected with a permissible flame safety lamp, the fall shall not be made until the gas is removed or other precautions shall be taken to safeguard all employees. (See subparagraph (1) of this paragraph.)

(12) At least once each week, air samples shall be collected for analysis or tests for methane shall be made in all mines with a permissible methane indicator or a permissible flame safety lamp

by the mine foreman or mine manager or other competent person designated by him, in the return of each split immediately out by the last working place, in the main return, pillar falls, seals, abandoned workings and entrance thereto, and shall also make an examination for other dangerous conditions; leave his initials and date at the places examined and, if dangerous conditions are found, they shall be corrected promptly. A record of these tests and examinations shall be kept.

(13) The mine foreman or mine manager shall read and countersign the record book of the fire bosses or mine examiners daily and read and countersign the daily and weekly reports of assistant mine foremen, or where existing State laws require other procedure, such signing shall be done in accordance with prevailing practice. Where such reports disclose any dangerous conditions, prompt action shall be taken to have them corrected. The superintendent or official in charge of the mine shall also read and countersign the daily and weekly reports of mine officials.

(14) All records of daily and weekly reports shall be open for inspection by interested persons.

§ 304.6 *Coal and rock dust*—(a) *Control of coal dust.* (1) Coal dust shall not be permitted to accumulate excessively on roadways and along conveyor lines.

(2) Where mining operations raise an excessive amount of dust into the air, water or water with a wetting agent added to it or other effective methods shall be used to allay such dust at its source.

(b) *Rock dusting.* (1) All mines, except those mines or those locations in a mine which are too wet or too high in incombustible content to propagate an explosion, shall be rock-dusted to within 80 feet of the faces of rooms and entries; however, if the mine or any part of it is wet but becomes dry, the mine or portion of the mine so affected shall be rock-dusted as soon as it becomes dry.

(2) In mines rock-dusted partially or in mines that are required to start rock dusting, haulageways and parallels entries connected thereto by open crosscuts shall be rock-dusted. Back entries shall be rock-dusted for at least 1,000 feet out by the junction with the first active entry. Inby this junction, the rooms, entries, and crosscuts shall be rock-dusted by generalized rock dusting as provided for in subparagraph (1) of this paragraph.

(3) Where rock dust is applied, it shall be distributed upon the top, floor, and sides of all open places and maintained in such quantity that the incombustible content of the mine dust will not be less than 65 percent. In trackless entries and air courses, protection in lieu of generalized rock dusting may be had by using bags filled with rock dust, if they are placed at regular intervals and staggered as described in Bureau of Mines Report of Investigations 3411.

(4) When methane is present in any ventilating current, the 65 percent of incombustible matter shall be increased 1 percent for each 0.1 percent methane.

(5) Pending tests to be conducted at the Experimental Mine, variations of the method described in Report of Investigations 3411 may be continued in mines now using or starting to use the bag method. After completion of these tests, the Director of the Bureau of Mines will review the results of the tests and will issue a revision of this paragraph.

§ 304.7 Transportation — (a) *Hoisting.* (1) A qualified hoisting engineer shall be on duty continuously when men are underground.

(2) Hoists used for handling men shall be equipped with overspeed, overwind, and automatic stop controls, unless a second engineer is on duty.

(3) At the beginning of each shift and after the hoist has been idle, the hoisting engineer shall operate the cages up and down the shaft at least one round trip before hoisting or lowering men. Similar procedure shall be followed in slope hoisting, except that an attendant may ride on the trip.

(4) Slope, shaft, or incline-plane hoists shall be equipped with brakes capable of stopping and holding the fully loaded unbalanced cage or trip at any point in the shaft, slope or on the incline.

(5) An accurate and reliable indicator, showing the position of the cage or trip, shall be placed so as to be in clear view of the engineer, unless the position of the car or trip is clearly visible to the engineer at all times.

(6) Hoisting equipment shall be inspected daily and a record made of such inspection, which shall be open for inspection by interested persons.

(7) Hoisting ropes on all cages or trips shall be adequate in size to handle the load and have a proper factor of safety as defined in the American Standards Association's Wire Rope Standards and shall be replaced when it shows more than six broken wires in any single pitch length or lay of rope.

(8) The rope shall have at least three full turns on the drum when extended to its maximum working length and shall make at least one full turn on the drum shaft or around the spoke of the drum (in case of a free drum) and be fastened securely by means of clamps.

(9) A hoisting rope shall be fastened to its load by a spelter-filled socket or by a thimble and clamps.

(b) *Cages and shafts.* (1) Cages used for hoisting men shall be of substantial construction; with adequate steel bonnets; with enclosed sides; with gates, safety chains, or bars across the ends of the cage when men are being hoisted or lowered; and with sufficient handholds or chains for all men on the cage to maintain their balance.

(2) The floor of the cage shall be constructed so that it will be adequate to carry the load and so that it will be impossible for a workman's foot or body to enter any opening in the bottom of the cage.

(3) Cages used for handling men shall be equipped with safety catches that act quickly and effectively in an emergency.

(4) Cages shall be inspected daily. A test of safety catches on cages shall be made at least every two months. A writ-

ten record shall be kept of inspections and tests, which shall be open for inspection by interested persons.

(5) The speed of the cage when hoisting or lowering men, unless regulated by State laws, shall not exceed 900 feet a minute.

(6) There shall be at least two independent methods of signalling, one of which shall be audible to the engineer, from all landings in shafts and slopes.

(7) An approved signal code shall be in use at each mine and shall be posted prominently in the engine room in easy sight of the engineer and at all places where signals are given.

(8) Workmen shall wear safety belts while doing repair work in or over shafts.

(9) An attendant shall be on duty at all cage stations when men are being hoisted or lowered at the beginning and end of each operating shift and when men are working in the shaft.

(10) Shafts shall be equipped with self-closing or manually controlled safety gates at surface landings.

(11) Positive stop blocks or derails shall be placed near shaft surface landings.

(12) At the bottom of each hoisting shaft and at intermediate landings, a "run-around" shall be provided for safe passage from one side of the shaft to the other. This passageway shall be not less than 5 feet in height and 3 feet in width.

(c) *Haulage roads.* (1) The roadbed, rails, joints, switches, frogs, and other elements of the track of all haulage roads shall be constructed, installed, and maintained in a manner consistent with speed and type of haulage operations being conducted to insure safe operation.

(2) Track switches, except room and entry development switches, shall be provided with properly installed throws, bridle bars, and guardrails; switch throws and stands, where possible, shall be placed on the clearance side.

(d) *Clearance and shelter holes.* (1) Haulage roads on entries developed after the effective date of this code shall have a continuous unobstructed clearance of at least 24 inches from the farthest projection of moving equipment.

(2) On haulage roads where trolley lines are used, the clearance shall be on the side opposite the trolley lines.

(3) On the trolley-wire or "tight" side, there shall be sufficient clearance to prevent the farthest projection of moving equipment from rubbing or coming in contact with ribs or timber.

(4) After the effective date of this code, all new sidetracks, partings, or entries equipped with more than one track shall have a clearance of at least 24 inches between the outermost projection of moving traffic.

(5) The clearance space on all haulage roads on entries driven before or after the effective date of this code shall be kept free of loose rock, coal, supplies, or other materials: *Provided*, That not more than 24 inches need be kept free of obstructions.

(6) Ample clearance shall be provided at all points where supplies are loaded or unloaded along haulage roads or conveyors.

(7) Where it is necessary for men to cross conveyors regularly and where the

width of conveyors or low roof introduces a hazard, suitable crossover bridges shall be provided.

(8) Shelter holes shall be provided along haulage entries driven after the effective date of this code where locomotive, rope, animal, or shuttle-car haulage is used. Such shelter holes shall be spaced not more than 80 feet apart. Except where the trolley wire is 6 feet or more above the roadbed or guarded effectively at the shelter holes, they shall be on the side of the entry opposite the trolley wire.

(9) Shelter holes made after the effective date of this code shall be at least 5 feet in depth, not more than 4 feet in width, and 6 feet in height or as high as the traveling space, if the traveling space is less than 6 feet high. Room necks and cross cuts may be used as shelter holes even though their width exceeds 4 feet.

(10) Shelter holes shall be kept clear of refuse and other obstructions.

(11) Shelter holes shall be provided at switch throws, except where more than 6 feet of clearance is maintained and at room switches.

(12) At each landing of a slope where men are passing and cars are handled, a shelter hole at least 10 feet deep, 4 feet wide, and 6 feet high shall be provided.

(e) *Haulage equipment.* (1) Nonpermissible internal-combustion engines or other machinery which gives off noxious fumes shall not be permitted underground in any coal mine.

(f) *Safety devices and practices.* (1) Locomotives shall be equipped with proper devices for the rerailing of locomotives and cars.

(2) An audible warning device and headlights shall be provided on each locomotive.

(3) Where hoists are used for handling men in underground slopes, in pitching beds, or on slopes between two or more beds, the provisions governing hoisting or haulage mentioned heretofore shall apply.

(4) A permissible trip light shall be used on the rear of trips pulled, and on the front of trips lowered into slopes or pushed. Trip lights need not be used during gathering operations at working faces. The uses of efficient reflectors in lieu of trip lights may be discontinued where now in use pending an investigation by the United States Bureau of Mines to determine the effectiveness of such reflectors. (See § 304.5 (j) (1).)

(5) Pushing of cars on main haulage roads shall be prohibited, except where necessary to push cars from side tracks to producing entries, where necessary to clear switches and side tracks, and on the approach to cages.

(6) Back-poling shall be prohibited except at places where the trolley pole cannot be reversed or when going up extremely steep grades and then only at very slow speed.

(7) Other than the motorman and trip rider, no person shall ride on a locomotive unless authorized by the mine foreman, and no person shall ride on loaded cars or between cars of any trip, except that the trip rider may ride on the last car.

(8) Motormen and brakemen shall not get on or off cars, trips, or locomotives while in motion, except that a brakeman may get on or off the rear end of a slowly moving trip to throw a switch or to close a door.

(9) All trips and all traffic equipment shall come to a complete stop before couplings are made by hand, unless a coupling hook is used.

(10) Standing cars on any track, unless held effectively by brakes, shall be properly blocked or spragged. Cars shall be secured effectively at working faces.

(11) On slopes and planes having a knuckle, there shall be a positive-acting stopblock, at or above the knuckle, and a derail.

(12) On entries going to the rise, a positive stopblock or derail shall be placed outby the switch of the first active working place.

(13) On entries going to the dip, a positive-acting stopblock or derail shall be placed just outby the switch to the first active working place, and a stopblock shall be placed just inby the switch of the last active working place.

(14) When coal is not being loaded, but men are working at a room or entry face, a positive-acting stopblock or derail shall be placed across the room or entry track, or the room switch shall be kept closed to prevent cars from being inadvertently pushed or running into the places.

(15) Slides, skids, or other adequate means shall be used on descending trips on grades where the locomotive is not adequate to control the trip, and where practicable, a drag shall be used on ascending trips.

(16) Material being hauled inside the mine shall be so loaded and protected that there is no danger to the motorman or brakeman from sliding of equipment and material.

(g) *Transportation of men.* (1) Man-trips shall be operated at safe speeds consistent with the condition of roads and type of equipment used, but not to exceed 12 miles an hour.

(2) Each man-trip shall be under the charge of a responsible person and it shall be operated independently of any loaded trip of coal or other material.

(3) Cars on the man-trip shall not be overloaded and sufficient cars in good mechanical condition shall be provided.

(4) No person shall ride under the trolley wire unless suitable covered man-cars are used.

(5) No material or tools shall be transported in the same car with men on any man-trip, and all persons shall ride inside of man-trip cars, except the motorman and brakeman or trip rider.

(6) Men shall not load or unload before the cars in which they are to ride or are riding come to a full stop, and men shall proceed in an orderly manner to and from man-trips.

(7) A waiting station shall be provided where men are required to wait for man-trips or man-cages. It shall have sufficient room, ample clearance from moving equipment, and adequate seating facilities.

(8) Trolley and power wires shall be guarded effectively at man-trip stations

where there is a possibility of any person coming in contact with energized electric wiring while loading or unloading from the man-trip.

(9) Where belts are used for transporting men, a minimum clearance of 18 inches shall be maintained between the belt and the roof or cross bars, projecting equipment, cap pieces, overhead cables, wiring, and other objects; but where the height of the coal bed permits, the clearance shall not be less than 24 inches.

(10) The belt speed shall not exceed 250 feet a minute while men are loading, unloading, or being transported.

(11) The space between men riding on a belt line shall be not less than 5 feet.

(12) Loading and unloading stations shall be illuminated properly.

(13) An official or some other person designated by the mine foreman shall supervise the loading and unloading of belts and man-trips.

§ 304.8 *Electricity*—(a) *Surface transmission lines.* (1) Overhead high-potential power lines shall be placed at least 15 feet above the ground and 20 feet above driveways and haulageways, shall be installed on insulators, and shall be supported and guarded to prevent contact with other circuits.

(2) Overhead power circuits shall be protected against lightning and voltage surges, and high-potential power lines shall be protected adequately by circuit breakers, fuses, or both.

(3) Electric wiring in surface buildings shall be installed so as to present minimum fire and contact hazards.

(b) *Transformer stations.* (1) Unless surface transformers are isolated by elevation (8 feet or more above the ground), they shall be enclosed in a transformer house or surrounded by a suitable fence at least 6 feet high. If the enclosure is of metal, it shall be grounded effectively. The gate or door to the enclosure shall be kept locked at all times, unless authorized persons are present.

(2) Surface transformers containing flammable oil and installed where they present a fire hazard (near mine openings or in or near combustible buildings) shall be provided with means to drain or to confine the oil in event of rupture of the transformer casing.

(3) Transformers ordered after the effective date of this code, both permanent and portable, for use underground shall be air-cooled or nonflammable-liquid cooled.

(4) Permanent underground stations containing transformers filled with flammable oil shall be provided with door sills, or their equivalent, that will confine the oil if leakage or explosion occurs.

(5) Portable underground substations for transformers or other power conversion equipment shall be in fireproof housings. Where the installation contains transformers filled with flammable oil, means shall be provided to confine the oil in event of leakage or explosion.

(6) "Danger—high voltage" signs shall be posted conspicuously on all transformer enclosures, high-potential switchboards, and other high-potential installations.

(c) *Substations and switchboards.* (1) Permanent underground substations

shall be in rooms of fireproof construction. Surface and underground substations shall be kept free from refuse, and metal containers shall be provided for oily waste.

(2) Switchboards installed after the effective date of this code shall be located so that ample room will be provided between the switchboard and passageways or lanes of travel and shall have an entrance at each end to permit authorized persons to inspect, adjust, or repair apparatus back of the board. Switchboards shall have the entrance to the rear guarded against entrance of unauthorized persons, unless in a building that is kept locked.

(3) Switchboards shall be well lighted for switch operations in the front and for repair and maintenance in the rear.

(4) Rooms housing switchboards shall be free of debris and refuse.

(5) Pull switches and circuit breakers, or other power controls shall be mounted on slate or other suitable insulating material.

(d) *Power circuits.* (1) High-potential power cables (600 volts or more) carried from the surface through shafts, boreholes, and underground passageways shall be adequate for the services intended, installed in a permanent manner, and guarded from mechanical injury.

(2) Power wires, whether bare or insulated, except ground wires, shall be supported on or by well-installed insulators and shall not touch combustible materials, roof, or ribs.

(3) Power wires shall be insulated properly where passing through doors and stoppings, and where they cross other power circuits.

(4) Electric cables and wires, other than signal wires and trolley wires used for haulage, installed in haulage slopes shall be buried not less than 12 inches below combustible material or installed in fireproof protective conduit.

(5) Where track is used as a power conductor:

(i) Both rails of main-line tracks shall be well bonded and cross-bonded at least every 200 feet; however, if the track circuit is paralleled with a feeder cable, both rails of the track shall be well bonded and cross bonds shall be installed at least every 1,000 feet in both the track and feeder circuit.

(ii) At least one rail on secondary haulage roads shall be well bonded, and cross bonds shall be installed at least every 200 feet.

(iii) Switches on entries shall be well bonded.

(6) Power shall be disconnected before repair work is to be done on energized electric circuit or energized parts of electric equipment. Employees required to make repairs on energized bare trolley lines should wear protective clothing, such as insulated shoes and lineman's gloves, or the power shall be disconnected.

(7) Trolley and feeder wires shall be installed as follows:

(1) On the opposite side of the entry from shelter holes and clearance space, except where 6 feet or more above the roadbed or adequately guarded at shelter holes.

(ii) The hangers on curves shall be spaced so that the trolley wire may become detached at any one hanger without exposing the locomotive operator to a shock hazard.

(iii) Aligned properly and installed at least 6 inches outside the track gage line.

(iv) Provided with cut-out switches at intervals of not more than 2,000 feet and near the beginning of all branch lines.

(v) Kept taut and not permitted to touch the roof, rib, or cross bars; particular care shall be taken where they pass through door openings to preclude the possibility of bare wires coming in contact with combustible material.

(vi) Guarded adequately where it is necessary for men to pass or work under them regularly, unless the wires are more than 6½ feet above the top of the rail. They shall also be guarded adequately on both sides of doors.

(vii) Shall not extend beyond the last open crosscut and shall be kept at least 150 feet from pillar workings.

(viii) Anchored securely and insulated properly at the ends.

(ix) Not in air known to contain 1.0 percent or more methane or in air returning from pillar recovery work or old workings where dangerous amounts of methane may be liberated suddenly. *Provided*, That, when this requirement is not being complied with, reasonable time may be allowed to make necessary changes.

(e) *Grounding.* (1) Metal conduit and metallic coverings and armor of cables shall be grounded and shall be electrically continuous to afford a conductor path for the ground circuit.

(2) Metallic frames, casings, and other electrical equipment that can become "alive" through failure of insulation or by contact with energized parts shall be grounded.

(3) Casings of transformers shall be grounded unless protected by isolation (freedom from contact hazard by position).

(4) Mining equipment mounted on rubber tires or caterpillar treads, receiving power through a trailing cable, purchased after the effective date of this code, shall be grounded effectively.

(f) *Circuit breakers and switches.* (1) Fuses or equivalent protective devices of the correct type and capacity shall be installed on electric equipment to protect against excessive overload. Wires or other conducting materials shall not be used as a substitute for properly designed fuses, and where circuit breakers are used, they shall be maintained in good operating condition and adjusted so that equipment cannot be overloaded.

(2) Switches and circuit breakers shall be installed so that they are readily accessible and can be operated without danger of contact with moving or live parts.

(3) Disconnecting switches shall be installed in all main power circuits at the bottoms of shafts, boreholes, and at other places where main power circuits enter the mine.

(4) Underground electric equipment and circuits shall be provided with switches or other controls of safe design, construction, and installation.

(5) Circuit breakers or other overload devices shall be provided to protect power circuits. If they are automatic, they shall be set so that the circuits cannot be overloaded.

(6) Dry wooden platforms, rubber mats, or other electrically nonconductive material shall be kept in place at each switchboard, power-control switch, and at stationary machinery where shock hazards exist.

(g) *Telephone systems.* (1) Telephone service shall be provided at the bottom of each main shaft or slope and in all mines from the surface to the working sections of the mine, where the mine workings are 1,500 feet or more from the surface.

(2) Telephone lines, other than cables, shall be carried on insulators, installed on the opposite side from power or trolley wires, and where they cross power or trolley wires, they shall be insulated adequately.

(3) Telephone circuits on the surface shall be protected by lightning arresters.

(h) *Signal systems.* (1) Signal wires shall be supported on insulators and insulated properly where they cross power lines.

(2) Rare signal wires that are readily accessible to personal contact shall not carry more than 30 volts. (This does not apply to block-signal systems.)

(i) *Electric face equipment.* (1) After the effective date of this code, all new electric face equipment and replacements of equipment purchased for mines where nonpermissible equipment is now being used shall be of a permissible type approved by the United States Bureau of Mines, except that explosion-tested cable-reel locomotives and shuttle cars may be used. This does not apply to equipment ordered before the effective date of this code. (§ 304.5 (j) (1).)

(2) Permissible junction or distribution boxes shall be used for making multiple-power connections in working places or other places where dangerous quantities of methane may be present or may enter the air current, except that where nonpermissible junction or distribution boxes are now in use, or on order, their use may be continued until such time as replacements are made.

(3) Permissible equipment shall be maintained in a good state of repair and in permissible condition. (See § 304.5 (j) (1).)

(4) In mines where nonpermissible equipment is now being used, care shall be taken to protect the workmen by making frequent examinations of the air for methane content and by preventing interruption of the ventilating current. (See § 304.5 (j) (1).)

(5) No electrically driven equipment shall be taken into or operated in a working place where 1.0 percent or more methane can be detected at any point not less than 12 inches from the roof, face, or rib with a permissible flame safety lamp.

(6) In all face workings where electrically driven equipment is operated, frequent inspections for methane shall be made. If a dangerous condition exists, the machines shall be stopped until such dangerous condition is removed. (See § 304.5 (j) (1).)

(7) Electric drills or other electrically operated rotating tools intended to be held in the hands and post drills shall have the electric switch constructed so as to break the circuit when the hand releases the switch or shall be equipped with friction or safety clutches.

(8) Explosion-tested cable-reel locomotives shall be equipped with 2-conductor trailing cables. (See § 304.5 (j) (1).)

(j) *Trailing cables.* (1) All new trailing cables (when available) used on electric mine equipment shall be constructed of materials having fire-resistive qualities.

(2) Cables for portable underground electric equipment shall be provided with suitable overload protection and power taps, unless properly connected to permissible junction or distribution boxes.

(3) Temporary splices on trailing cables shall be made in a workmanlike manner, mechanically strong, and well insulated.

(k) *Underground illumination.* (1) Electric light wires shall be supported by suitable insulators and fastened securely to the power conductors.

(2) Electric lights shall not be installed within 150 feet of pillar workings or advancing workings.

(3) Electric lights shall be installed so that they cannot come in contact with combustible materials.

§ 304.9 *Safeguards for mechanical equipment—(a) Face equipment.* (1) The cutter chains of mining machines shall be locked securely to prevent accidental movement while being trammed or when parked.

(2) Rock drilling with percussion drills shall be done wet, except as provided for in § 304.11 (g) (7).

(b) *Shop and other equipment.* (1) The following shall be guarded adequately:

(i) Gears, sprockets, friction devices, and couplings with protruding bolts or nuts.

(ii) Shafting and projecting shaft ends that are within 7 feet of floor or platform level.

(iii) Belt, chain, or rope drives that are within 7 feet of floor or platform.

(iv) Fly wheels. (Where fly wheels extend more than 7 feet above the floor, they shall be guarded to a height of at least 7 feet.)

(v) Circular and band saws and planers.

(vi) Repair pits. (Guards shall be kept in place when the pits are not in use.)

(2) Machinery shall not be repaired or oiled while in motion, unless such oiling can be done without danger to the oiler.

(3) A guard or safety device removed from any machine shall be replaced before the machine is put in operation.

(4) Mechanically operated grinding wheels shall be equipped with:

(i) Safety washers and tool rests.

(ii) Substantial retaining hoods, the hood openings of which shall not expose more than 90° sector of the wheel.

(iii) Eye shields, unless goggles are worn by the operators.

§ 304.10 *Underground fire prevention, fire control and mine disasters—(a) Fire prevention and control.* (1) Each mine shall be provided with suitable fire-fighting equipment, adequate for the size of the mine, such as supplies of rock dust at doors and at other strategic places, water lines and hose, water or chemical trucks, and fire extinguishers.

(2) Clean dry sand, rock dust, or fire extinguishers, suitable from a toxic and shock standpoint, shall be provided and placed at each electrical station (substations, transformer stations, permanent pump stations) so as to be out of the smoke in case of a fire in the station.

(3) After every blasting operation performed on shift by shot firers or other persons, an examination shall be made to determine whether fires have been started.

(4) Should a fire occur, the person discovering it and any persons in the vicinity of the fire shall make a prompt effort to extinguish it.

(5) If, or when, a fire has attained such proportions that an individual cannot extinguish it, he shall report immediately the existence of the fire to a competent official of the mine, who shall order all workmen from that part of the mine affected by the fire, except those needed for fire fighting.

(6) If the fire gets out of control, men shall be withdrawn and the part of the mine in which the fire is located or the entire mine, as conditions may require, shall be sealed or flooded.

(7) All fire-fighting operations shall be under the direct supervision of the mine manager or mine foreman or a designated assistant who shall consult with the Federal inspectors, who shall serve in an advisory capacity.

(8) Underground storage places for lubricating oil and grease in excess of two days' supply shall be of fireproof construction.

(9) Lubricating oil and grease kept in face regions or other working places shall be in portable, closed metal containers.

(10) Underground structures (transformer stations, battery-charging stations, substations, permanent pump rooms, etc.) installed after the effective date of this code shall be of fireproof construction. Where the fireproofing material is in contact with timber or coal, it shall not be of metal.

(11) Hay or straw shall be transported from surface to underground stables in enclosed incombustible cars. It shall be stored in a fireproof structure apart from the stable or in a fireproof compartment within the stable.

(b) *Mine disasters.* (1) When a disaster occurs in a mine, the nearest office of the United States Bureau of Mines and the proper State inspection authorities shall be notified promptly of such disaster. All facilities of the mine shall be made available for recovery operations.

(2) After a disaster, immediately following the recovery work and before the wreckage and debris of the disaster is disturbed, a committee of Federal coal-mine inspectors designated by the Director of the United States Bureau of Mines shall make an investigation as to the

cause of the disaster and make recommendations to prevent a repetition. The findings of this committee shall be presented in written form; a condensed copy shall be posted on the bulletin board of the mine; complete copies shall be supplied the management, the State inspection bureaus, officers of the United Mine Workers of America, and the United States Bureau of Mines and such report or reports shall be publicized. This investigation and a report shall be made within ten days after the completion of the recovery operations. Where conditions are such that recovery operations are prolonged over an extended period, interim reports shall be made and publicized.

(3) After a disaster, when the mine has been placed in condition to operate, an inspection of such mine in its entirety shall be made by a Federal coal-mine inspector, and if such inspection discloses any dangerous conditions, they shall be reported immediately to the operating manager or his representative and to the Coal Mines Administrator. If the Coal Mines Administrator so directs, the mine shall not resume operations until the dangerous conditions are corrected.

§ 304.11 *Miscellaneous—(a) Mine map.* (1) An accurate map of the mine, brought up to date at least every 6 months, shall be kept posted in a place accessible to employees: *Provided, however,* That such a map of a mine producing a maximum of 1,000 tons per day or less need not be brought up to date more often than once a year.

(b) *Oil and gas wells.* (1) The drilling and sealing of oil and gas wells penetrating coal beds or open workings of mines shall be done in compliance with State statutes.

(c) *Approaching abandoned workings.* (1) Whenever any working place approaches within 200 feet of abandoned workings that cannot be inspected and which may contain dangerous accumulations of water or gas, boreholes shall be kept at least 20 feet in advance of the face, and 45° angle rib holes shall be drilled at least 20 feet deep and not more than 8 feet apart.

(d) *Mine openings and escapeways.* (1) Every underground mine shall have at least two separate surface openings. (2) Main slope or drift openings shall be separated by at least 50 feet of natural ground in all mines opened after the effective date of this code.

(3) New shafts and partitions therein, made after the effective date of this code, shall be fireproof. Buntons and guides may be of wood.

(4) Mine openings at isolated locations, where there is danger of fire entering the mine, shall have adequate protection against surface fires entering the mine.

(5) Not more than 20 persons shall be allowed at any one time in the mine until a connection has been made between the two mine openings, and work shall be prosecuted with reasonable diligence.

(6) When only one main opening is available, owing to final mining of pillars, not more than 20 persons shall be allowed in such mine at any one time.

(7) There shall be at least two travelable passageways, to be designated as escapeways, from each working section to the surface whether the mine openings are shafts, slopes, or drifts. They shall be kept in safe condition for travel and reasonably free from standing water and other obstructions. One of the designated escapeways may be the haulage road: *Provided, however,* That one of the escapeways shall be ventilated with intake air. At mines now operating with only one free passageway to the surface, immediate action shall be taken to provide a second passageway.

(8) Where the designated escapeways are shafts:

(i) They shall be equipped with hoist and cage, or with travelable stairway, or ladders. No shaft more than 30 feet deep sunk after the effective date of this code shall be equipped with ladders.

(ii) Stairways shall be of substantial construction, set at an angle not greater than 45° with the horizontal, and equipped on at least one side with a suitable handrail; landing platforms shall be at least 2 feet wide and 4 feet long and shall be railed properly.

(iii) Ladders shall be anchored securely.

(iv) Where ladders, or stairways set at an angle greater than 45°, are now installed, their use may be continued provided they are of substantial construction, with platforms at intervals of not more than 30 feet and equipped with a handrail in the case of stairways.

(9) If a designated escapeway is a slope of not more than 45° it shall be equipped with a stairway or adequate walkway with cleats. If the slope is more than 45°, stairways shall be installed.

(10) Direction signs shall be posted conspicuous to indicate manways and designated escapeways.

(e) *Cap lamps and checking systems.*

(1) All workmen and other persons underground shall use only permissible electric cap lamps for portable illumination. This does not preclude the use of other types of permissible electric lamps. Mines now operating with open-light equipment may continue to so operate until permissible electric cap lamps can be secured from suppliers. (See § 304.5 (j) (1).)

(2) Each mine shall have a check-in and check-out system that will provide positive identification upon the person of every individual underground. An accurate record of the men in the mine, which shall consist of a written record, a check board, or a time-clock record, shall be kept on the surface in a place that will not be affected in the event of an explosion. Said record shall bear a number identical to the identification check carried by the person underground.

(f) *Arcs, sparks, and flames.* (1) Because of explosion and fire hazards, all persons in underground workings of a mine are herewith prohibited from intentionally creating any arc, spark, or open flame, except those that cannot be avoided in the normal performance of work. The carrying of matches or other flame-making devices into a mine shall be prohibited. (See § 304.5 (j) (1).)

(2) Welding and cutting (with electricity or flame) shall be restricted to

places where trolley locomotives are permitted under the provisions of this code, except that where it is necessary to do welding and cutting in face regions, such work shall be under the direct supervision of a certified official, who shall test for gas before starting operations and frequently thereafter. In all welding and cutting operations, precautions shall be taken against starting a fire and the area shall be rock-dusted. (See § 304.5 (j) (1).)

(g) *Protective clothing.* (1) All persons shall wear protective hats while underground and also while on the surface where falling objects may cause injury.

(2) Protective footwear shall be worn by employees, officials, and others while on duty in and around a mine where falling objects may cause injury.

(3) All employees inside or outside of mines shall wear approved-type goggles where there is hazard from flying particles.

(4) Welders and helpers shall use proper shields or goggles to protect their eyes.

(5) Employees engaged in haulage operations and other persons employed around moving equipment on the surface and underground shall wear snug-fitting clothing.

(6) Protective gloves shall be worn when material which may injure the hands is handled, but gloves with gauntlet cuffs shall not be worn around moving equipment.

(7) Men exposed for short periods to gas, dust, fume, and mist-inhalation hazards shall wear permissible respiratory equipment. When the exposure is for prolonged periods, other measures to protect workmen or to reduce the hazard shall be taken.

(h) *Definitions.* (1) The words "interested persons" as used in this code shall be construed to mean—Members of the Mine Safety Committee; all other authorized representatives of the United Mine Workers of America; Federal, State, and County coal-mine inspectors; and, to the extent required by State law, any other person.

§ 304.12 General safety conditions—

(a) *Duties, qualifications, and certification of persons employed underground.*

(1) The mine manager or mine foreman in charge of a mine shall be certified as being qualified under the laws of the State in which the mine is operated. His duties shall be to supervise the operation of the mine; to check the ventilating system of the mine to see that air is traveling its regular course; to order prompt correction of all existing dangerous conditions; to see that workmen are supplied with timber of proper length, quantity, and quality, and other supplies necessary for the operation of the mine; to supervise the handling of explosives, and to supervise the operation of the mine to protect the life and limb of employees; all in accordance with this code and applicable State laws.

(2) A mine manager or mine foreman may designate assistants who shall be duly qualified for their position under the laws of the State in which the mine is operated and may delegate to them authority and duties such as are specified in this code.

(3) Fire bosses or mine managers shall be certified as such or be the possessor of a mine-foreman or mine-manager certificate issued under the laws of the State in which the mine is operated, or be qualified and competent persons appointed by the management and their duties shall be to examine the mine as required in §§ 304.5 (j) (4) and 304.5 (j) (8). Fire bosses or mine examiners shall be equipped with permissible flame safety lamps and with permissible cap lamps or flash lamps. They shall also have a suitable device for testing roof and ribs. (See § 304.5 (j) (1).)

(4) Shot firers, electricians, machine operators, and other persons whose duties include the testing for gas shall be qualified for their respective occupations under the laws of the State in which the mine is operated. In States which have no laws qualifying such persons, the mine manager or mine foreman shall designate competent workmen to perform such duties.

(5) In States that require certification of miners, all miners shall secure such certification in accordance with requirements.

(6) The certificates of competency, as hereinbefore stated, shall be made a matter of record on the surface of the mine, and this record shall be available for inspection by interested persons.

(b) *Reporting of accidents.* (1) The management of a mine shall keep an accurate record of all accidents occurring at the mine, that involve an injury to an employee (lost-time and no-lost-time accidents). A record of all accidents resulting in loss of time beyond the day of injury, together with the required employment and production data shall be reported on forms 6-1420 and 6-1420A to the United States Bureau of Mines at the end of each calendar month, except that an immediate report shall be made to the United States Bureau of Mines of any accident involving a fatality. The United States Bureau of Mines shall compile a record of fatal and nonfatal accidents on a basis of man-hours of exposure; an annual report on a calendar-year basis of such accidents shall be published and shall be furnished to the officers of the United Mine Workers of America and to the executives of the coal industry.

(c) *Reporting of hazards.* (1) Any employee of a mine or any representative of the employees of a mine who discovers an unsafe condition in the mine shall immediately report such unsafe condition to his immediate supervisor and if not corrected in a reasonable time, to the safety committee of the mine.

(d) *First aid and medical care.* (1) Each mine shall have an adequate supply of first-aid equipment to be used in case of injury to employees, and such supplies shall be located on the surface, at the bottom of shafts and slopes, and at other strategic locations near the working faces. The first-aid supplies shall be encased in suitable sanitary receptacles designed to be reasonably dusttight and moistureproof and shall be available to all persons employed in the mine. In addition to the material in the cases, splints, blankets, and stretchers necessary for the treatment of injuries and

for the transportation of injured persons shall be provided.

(2) When an injury occurs, a doctor shall be notified immediately and the injured person shall be brought promptly to the surface.

(e) *Duties of Federal coal-mine inspectors.* (1) Federal coal-mine inspectors shall make inspections of mines in accordance with the provisions contained in this code and shall report any and all violations of this code to the Coal Mines Administrator through the Director of the United States Bureau of Mines. They have authority also, as provided for in the Act of May 7, 1941, 55 Stat. 177, to make recommendations for improving health and safety conditions or practices not specifically covered by the Federal Mine Safety Code.

(2) In those special instances where a Federal coal-mine inspector finds that an imminent danger exists, he shall take immediate action, through the operating manager or his representative, to have all workmen withdrawn from the unsafe area until such danger is corrected.

(f) *Duty and responsibility of management.* (1) It shall be the duty of the superintendent, mine foreman or mine manager and his assistants, fire bosses or mine examiners, and other officials, to see that the provisions contained in this code are complied with.

(g) *Duty and responsibility of mine workers.* (1) It shall be the duty of the mine workers to comply with this code and to cooperate with management in the enforcement of its provisions. Reasonable rules and regulations of the operators for the protection of mine workers and preservation of property that do not lower or impair the provisions of this code shall be complied with.

§ 304.13 *Strip mining code—*(a) *Tipple and cleaning plant.* (1) The provisions contained in § 304.1 (a) shall apply.

(b) *Stairways, supply house, housekeeping, and yards.* (1) The provisions contained in Information Circular 7350, entitled, "Inspection Standards for Strip Mines (Coal and Lignite)," issued March 1946 by the United States Department of the Interior, Bureau of Mines, shall apply as follows:

(i) Supply house. (1.12 to and including 1.15).

(ii) Stairways, ladders, toeboards, and railings (1.16 to and including 1.21).

(iii) Housekeeping, illumination, and heating. (1.22 and 1.23).

(iv) Yards and storage of material. (2.05 and 2.06).

(c) *Fire prevention.* (1) The provisions contained in § 304.2 (a) shall apply.

(d) *Mining methods, conditions, and equipment.* (1) *Stripping and drilling overburden—*(i) The provisions contained in Information Circular 7350, entitled, "Inspection Standards for Strip Mines (Coal and Lignite)," shall apply, except that standards 3.04 and 3.05 may be excluded.

(e) *Explosives, detonators, and blasting.* (1) The provisions contained in Information Circular 7350, entitled "Inspection Standards for Strip Mines (Coal and Lignite)," shall apply, except that in lieu of standards 4.06 and 4.11 para-

graphs (a) (8) and (a) (9) of § 304.4 shall apply.

(f) *Haulage.* (1) The provisions contained in Information Circular 7350, entitled "Inspection Standards for Strip Mines (Coal and Lignite)," shall apply, except that standards 5.02, 5.09, 5.10, 5.13, 5.36, and 5.47b shall be excluded; and in lieu of standard 5.10, § 304.7 (f) (11) shall apply.

(g) *Electricity.* (1) The provisions contained in Information Circular 7350, entitled "Inspection Standards for Strip Mines (Coal and Lignite)," shall apply.

(h) *Additional safeguards for mechanical equipment.* (1) *Shop equipment.* (i) The provisions of § 304.9 (b) shall apply.

(2) *Stripping and loading equipment.* (i) The provisions contained in Information Circular 7350, entitled "Inspection Standards for Strip Mines (Coal and Lignite)," shall apply. (standards 7.14 to and including 7.24)

(i) *Miscellaneous hazards.* (1) The provisions contained in Information Circular 7350, entitled "Inspection Standards for Strip Mines (Coal and Lignite)," shall apply as follows:

(i) *Lighting.* (Standards 8.01 and 8.02).

(ii) *Protective clothing.* (Standards 8.03 to and including 8.09).

(j) *General safety conditions.* (1) The provisions contained in Information Circular 7350, entitled "Inspection Standards for Strip Mines (Coal and Lignite)," shall apply as follows:

(i) *Safety rules and standards.* Standard 9.02).

(ii) *Accidents.* The reporting of accidents shall be in accordance with provisions of § 304.12 (b).

(iii) *First aid.* (Standards 9.14 and 9.15).

§ 304.14 *Enforcement; review and revision.*—(a) *Enforcement.* (1) The Coal Mines Administrator is the exclusive agency charged with the enforcement of this code and the correction of violations thereof.

(2) When noncompliance with this code is found by a Federal coal-mine inspector, it shall be reported promptly to the operating manager of the mine (or the resident official in charge of the mine) with recommendations for the elimination of such noncompliance. If such noncompliance is not promptly eliminated, it shall be reported by the inspector to the Director of the Bureau of Mines, who shall, after such review and investigation as he shall deem advisable, report it to the Coal Mines Administrator with his recommendations and findings as to such noncompliance and appropriate means for the correction thereof. If the operating manager, acting as representative of the operating management, wishes to contest the charge of noncompliance, he shall promptly advise the Coal Mines Administrator of his position and contentions in writing. The Coal Mines Administrator shall, after such investigation and hearings as he shall consider necessary, take appropriate action to enforce compliance with the code. In special instances where a Federal coal-mine in-

spector finds that imminent and serious danger to employees in the mine exists, he shall promptly advise the operating manager or his representatives at the mine, as provided in § 304.12 (e) (2) and report by telephone to the Director of the Bureau of Mines, who shall report the matter immediately to the Coal Mines Administrator. The Administrator or his representative shall take immediate action to cause all employees to be removed from the unsafe area until any imminent and serious danger is removed. Such action shall be subject to immediate review by the Coal Mines Administrator and further proceedings with respect thereto, as provided above, shall be promptly had and concluded.

(b) *Review and revision.* (1) From time to time the Director of the Bureau of Mines may, upon request of the Coal Mines Administrator or United Mine Workers of America, review and revise the provisions of this code. Such review and revision may be with respect to its general application, its application to types, conditions and methods of mining and mines, or its application in specific cases. Such review and revision shall be made whenever appropriate to carry out the intent and purposes of the agreement between the Secretary of the Interior, acting as Coal Mines Administrator, and United Mine Workers of America dated May 29, 1946, requiring a reasonable code of standards and rules pertaining to safety conditions and practices in mines. Pending review and revision, as herein provided, the Coal Mines Administrator may suspend or stay, for such periods as he deems reasonable, the provisions of this code as applied to any mine or mines when such suspension or stay is necessary, in his opinion, to carry out and comply with the purposes and provisions of Executive Order 9728 or in order to avoid irreparable damage or great injustice pending review and revision of specified provisions of the code.

§ 304.15 *Compliance with code.*—(a) *Compliance with code.* (1) Whenever any equipment or supplies required by this code, including rock-dusting machines, flame safety lamps, and permissible electric equipment, are unobtainable, compliance with the requirements of this code with respect thereto is suspended to the extent that such items remain unobtainable until they are obtainable. Due allowance shall also be made for planning, institution of changed procedures, and installation of new equipment.

(2) Compliance with the requirements of this code shall be started promptly and prosecuted diligently until the provisions of the code have been fulfilled.

Issued this 24th day of July 1946.

R. R. SAYERS,
Director, Bureau of Mines.

Approved and adopted this 24th day of July 1946.

J. A. KRUG,
Secretary of the Interior.

[F. R. Doc. 46-14425; Filed, Aug. 16, 1946; 4:48 p. m.]

Chapter IX—Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827 and Pub. Law 270, 79th Cong., and Pub. Laws 270 and 475, 79th Cong.; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; E.O. 9638, 10 F.R. 12591; CPA Reg. 1, Nov. 5, 1945, 10 F.R. 13714.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 13, Revocation of Direction 7]

DISPOSAL OF CERTAIN SURPLUS BUILDING MATERIALS FOR VETERANS' EMERGENCY HOUSING AND VETERANS' ADMINISTRATION CONSTRUCTION PROGRAMS

Direction 7 to Priorities Regulation 13 is hereby revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the Civilian Production Administration under the direction.

Issued this 15th day of August 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-14329; Filed Aug. 15, 1946; 4:38 p. m.]

PART 3293—CHEMICALS

[General Allocation Order M-300, Schedule 119, as Amended Aug. 19, 1946]

STREPTOMYCIN

§ 3293.1119 *Schedule 119 to General Allocation Order M-300*—(a) *Definitions.* For the purposes of this schedule:

(1) "Streptomycin" means a chemotherapeutic agent isolated from actinomyces griseus and variants. The term includes streptomycin in any medicinal tablet, ampoule or other dosage form, as well as crude streptomycin.

(2) "Primary supplier" means any person who produces or imports streptomycin. However, the term shall not include any retail pharmacist, hospital or physician.

(3) "Primary distributor" means any person who buys streptomycin from a producer or importer for distribution with his (primary distributor's) name on the label. However, the term shall not include any retail pharmacist, hospital or physician.

(b) *General provisions.* Streptomycin is subject to the provisions of General Allocation Order M-300 as an Appendix B material. The initial allocation date is March 1, 1946. The allocation period is the calendar month.

(c) *Exemptions.* Application and specific authorization are not required for the following use or delivery of streptomycin:

(1) Use and delivery by any person who is not a primary supplier or primary distributor as defined in this schedule.

(2) Deliveries of samples to the Food and Drug Administration, Washington 25, D. C.

(3) Use by any primary supplier or primary distributor of samples of his own production or stock for making production control and standardization tests solely for potency, sterility, toxicity, pyrogens, moisture or stability.

(d) *Suppliers' applications on CPA-2947.* Each primary supplier or primary distributor seeking authorization to use or deliver shall file application on Form CPA-2947. Filing date is the 17th day of the month before the proposed delivery month. Send three certified copies to the Civilian Production Administration, Washington 25, D. C., Ref.: M-300-119. The unit of measure is grams of streptomycin activity in terms of streptomycin base.

In section 1, first list Army and Navy orders, specifying in Column 1 Army or Navy, in Column 1a the contract or requisition number, in Column 4 the quantity ordered and in Column 5 the proposed delivery. Second, list orders placed by the Veterans Administration, U. S. Public Health Service and National Research Council, specifying in Column 1 Veterans Administration, U. S. Public Health Service and National Research Council, leaving Column 1a blank, in Column 4 the quantity ordered and in Column 5 the proposed delivery. Quantities desired for other purposes may be stated. In addition the Civilian Production Administration may allocate quantities for delivery to specific customers for civilian purposes. Such individual allocations will usually be to hospitals. In the case of proposed delivery to a primary distributor the applicant shall list specifically the name of the primary distributor and the quantity proposed to be delivered to him.

In section II, fill in as indicated leaving Columns 8, 9 and 10 blank and reporting only unallocated stocks in Column 13. An applicant who is both a primary supplier and a primary distributor shall report the required information in section II relating to his own production separately from that relating to his purchased material.

(e) Primary suppliers must submit samples of each batch of streptomycin to the Food and Drug Administration, Washington 25, D. C. for tests and have the Food and Drug Administration approval of each batch before making shipment against allocations. Primary suppliers must conform to any Civilian Production Administration instructions regarding preparation and packaging of streptomycin when released.

(f) *Reports.* Reports of production, stocks and shipments shall be filed within 5 days after the close of each calendar month by every primary supplier of streptomycin.

These reports shall be filed on Form CPA-2947 in the following manner:

Specify in the blocks provided the name and address of the company reporting, name of materials, month, unit

of measure grams of streptomycin activity in terms of streptomycin base.

In section I report deliveries made against individual allocations. In Column 4 change heading to read "quantity shipped", showing the amount shipped. Leave Columns 1a, 5, 5a, 6 and 7 blank.

In section II leave Column 8 blank and list in Column 9 production during the month for which the report is filed and in Column 10 unallocated stocks as of the first day of the current month. Leave other columns blank.

A primary supplier who is also a primary distributor shall report the required information in section II relating to his own production separately from that relating to his purchased material.

(g) *Certified statements of use.* The usual end use certificates required for Appendix B materials are not required for streptomycin.

(h) *Budget Bureau approval.* The above reporting requirements have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(j) *Communications to Civil Production Administration.* Communications concerning this schedule shall be addressed to Civilian Production Administration, Chemicals Division, Washington 25, D. C., Ref.: M-300-119.

Issued this 19th day of August 1946.

CIVILIAN PRODUCTION
ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 46-14484; Filed, Aug. 19, 1946;
11:43 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Rev. SO 138, Amdt. 5]

EXEMPTION AND SUSPENSION FROM PRICE CONTROL OF CERTAIN COMMODITIES AND SERVICES IN HAWAII

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Supplementary Order No. 138 is amended in the following respects:

1. Section 1.3 (b) is amended by adding the following item:

45. Wooden picture frame mouldings.

2. Section 1.3 (c) is amended by adding the following item:

75. Meat tenderizers.

3. Section 1.3 (g) is amended by adding the following item:

19. Furniture and bedding manufactured in the Territory of Hawaii.

4. Section 1.3 (1) is amended by adding the following items:

29. Obsolete radio parts and tubes.

30. Racing automobiles.

31. Electrically powered passenger automobiles.

11 F.R. 3198.

32. Officers' caps.
33. Fishnet bladders.
34. Scenic buoys.

5. The following new paragraph (o) is added to section 1.3:

(o) The following miscellaneous services:

1. Sewing sequins on articles of wearing apparel.

6. The following new paragraph (p) is added to section 1.3:

(p) Building materials:

1. Second-hand plumbing fixtures.
2. Second-hand electrical fixtures.

7. The following new paragraph (q) is added to section 1.3:

(q) Textile articles:

1. Cloak hanger covers.
2. Washing machine covers.
3. Sewing machine covers.
4. Home appliance covers.
5. Shoe polisher mits.
6. Soap mits.
7. Coaster jackets.
8. Flags.
9. Novelty tinsel thread and yarn.
10. Fishing lines, including tarred fishing lines, composed in whole or in part of silk, rayon, nylon, linen or cotton.
11. Non-elastic narrow woven ribbons, narrow braided fabrics and hair ornaments made from such ribbons.

8. Section 1.4 (a) is amended by adding the following item:

49. Theobromine, refined.

9. Section 1.4 (d) is amended by adding the following items:

3. Hand painting on wearing apparel.
4. Professional photographic services.

10. The following new paragraph (f) is added to section 1.4:

(f) Cosmetic products:

1. Cold wave solution.
2. Cologne.
3. Cosmetic stockings.
4. Cuticle remover.
5. Eye mascara and shadow.
6. Eyebrow dyes.
7. Eyebrow pencils.
8. Eyelash dyes.
9. Hair bleaches (except peroxide, so labelled).
10. Hair dyes.
11. Hair lacquer.
12. Liquid wave sets.
13. Perfume.
14. Permanent wave cream solutions and lotions.
15. Powdered wave sets.
16. Toilet water.

11. The following new paragraph (g) is added to section 1.4:

(g) Consumer durable goods other than apparel:

(1) Sales and deliveries of all consumer durable goods covered by MPR 188 which are not listed in Appendix C of that regulation.

12. The following new paragraph (h) is added to section 1.4:

(h) Machines, parts, industrial materials and services:

Antenna systems and towers.
Domestic watt-hour electric meters.
Electron microscopes.
Electronic metal detectors.
Electronic tube apparatus over 5KW capacity.

High Voltage metering equipment, 1,000 volts and over.

Large power equipment as follows:

Current limiting reactors, above 150 KVA: Diesel or gas, or other internal combustion generator sets, or combinations of such type generator sets, 150 KW and over, including prime movers.

Frequency converters, all types, rotary and electronic, all integral capacity units. Generators, electric, 150 KW and over.

Motors, electric, A. C. or D. C., 250 HP and over.

Phase converters of integral capacity.

Synchronous condensers of integral capacity.

Synchronous converters, all integral capacity units.

Turbine generator sets, 150 KW and over.

Water wheel generator sets, all sizes and types, including governors.

Transformers, all types, 500 KVA and over.

Lightning arresters, except 15,000 volts and less for pole and cross-arm mounting and except secondary arresters for use on power circuits 650 volts and less.

Magnets, lifting, industrial.

Motion picture equipment and parts for 35mm film, but not including sound recording or reproduction units or parts of such units, rectifiers, wire and cable, lights and lighting equipment, storage batteries, electrical wiring devices and controls.

Neon indicator attachments, except wiring devices.

Power mercury arc rectifiers over 5 KW capacity.

Oscilloscopes.

Quartz crystal assemblies.

Radio direction finders.

Switch gear listed in the National Electric Manufacturers' Association Manual, Part IV, dated January 31, 1946, in subsection of Section 8-SG as follows:

8-SG-3 Large air circuit breaker group.

8-SG-4 Power oil circuit breaker group, except outdoor power circuit breakers 15 KV and below.

8-SG-5 Power switchboard group.

8-SG-5a Manual and Automatic switchgear assemblies.

8-SG-5b Metal enclosed switchgear.

8-SG-5c Relays, regulators and miscellaneous switchboard devices sold separately.

8-SG-6 Power-switching equipment group, except that for 15,000 volts and less.

Telephone, central station and other telephone equipment as follows:

All complete items of telephone equipment identifiable as such without further work. This does not include parts, storage batteries, wire and cable, cable connectors, pole line hardware and related items, anchors and other general hardware and related items whose use is not limited to telephone service equipment and installations.

Central station powerboards (manual and automatic), switchboards, distribution frames and racks, repeater equipment.

Telephone hand sets and related items of all types which are complete units.

Telephone switchboards, including PRX boards, all sizes and types.

Welding equipment, direct current arc welding types only.

Welding equipment, alternating current, including fusion type welding, rotating arc welding units, but not including transformer type welders.

Welding rods and coated electrodes.

X-ray tubes.

The following new or second hand machine tools covered by MPR 67 and 1:

Automatic screw machine, single and multiple spindle, over 2½" spindle capacity.

Bending rolls, all sizes and types, over 50,000 pounds in weight.

Board hammers, all sizes.

Boring mills, horizontal, over 5" boring bar. Boring mills, vertical, over 62" swing.

Car wheel lathes, all sizes.

Cylindrical grinders, plain and universal, over 20,000 pounds in weight.

Engine and turret lathes, over 24" swing.

Face and surface grinders, vertical and horizontal, all types over 15,000 pounds in weight.

Forging presses, all sizes and types.

Hydraulic presses, all sizes and types over 50,000 pounds in weight.

Mechanical presses, all types and sizes over 50,000 pounds in weight.

Milling machines, horizontal and vertical, over size No. 3.

Milling machines, other types, over 15,000 pounds in weight.

Planers, single and double housing, over 48" x 48" x 10".

Press brakes, over 30,000 pounds in weight.

Radial drills, over 5' arm.

Screw machines and turret lathes, over 2½" spindle capacity.

Squaring shears, over 30,000 pounds in weight.

Steam hammers, both single and double frame.

New and second hand attachments as defined in mainland MPR's 67 and 1 designed specially for a machine tool listed in this paragraph and produced by the machine tool manufacturer or by his dealer.

Air preheaters, economizers and superheaters, designed and sold for use with steam generating equipment described in paragraph (c) of Section 12 of S.O. 129.

Alarms, fire, which function entirely by mechanical means.

Blocks and sheaves, tackle.

Burners, gas, industrial, designed for use with products covered by RMPR 136.

Burners, oil, industrial and marine, burning No. 5 oil or heavier, except rotary and gun type burners under MPR 591.

Bushings, wood, subject to RMPR 136.

Bushings, combination wood and metal, subject to RMPR 136.

Casters, industrial.

Chains, tire.

Chain hoists (manually operated).

Clamps.

Clevises covered by mainland RMPR 136.

Cloth, industrial woven metallic wire, including pulp and paper mill wire cloth, but not including insect screen cloth, hardware cloth, poultry netting, welded wire fabric and items subject to MPR 133 or mainland MPR 246.

Controls, electric organ.

Controls, chair iron.

Conveyors and conveying systems, industrial, of the stationary fixed type except those designed especially for mining use or use with construction plants, or attached to construction or mining machinery, and except portable conveyors and loaders.

Cranes, bridge, gantry, hammerhead, jib.

Dies, jigs, fixtures, molds and patterns, except sales by manufacturers of products in whose production such dies, jigs, fixtures, molds or patterns are used.

Engines, diesel, normally operated at 1,200 RPM or less, and with piston displacements in excess of 3,000 cubic inches and having a continuous duty rating in excess of 400 horsepower.

Filters, filter elements and parts, industrial, subject to RMPR 136.

Forgings, open or flat die, not including commercial drop forgings.

Grinding balls, ferrous or non-ferrous.

Gaskets, packings and oil seals subject to RMPR 136.

Hose and tubing, flexible, metallic, except electrical metallic tubing.

Instruments, mechanical, for indicating, measuring, testing and/or recording (all types covered by RMPR 136).

Industrial machinery covered by RMPR 136 which is used in the extraction, production or processing of commodities and is not in-

cluded in any of the categories of products specifically listed in Appendix A of RMPR 136.

Liquid controlling and/or regulating devices, manually operated, designed and sold for use with machinery and equipment covered by RMPR 136, but excluding standard general purpose valves and devices.

Meters, gas, iron and steel cased.

Meters, water.

Presses, baling, except those subject to MPR 133 or 246 (Farm Equipment).

Pulverizers, coal, including burners and auxiliary combustion equipment, installed for primary purpose of pulverizing solid fuel for firing any type of furnaces and which are required to be built to the National Bureau of Fire Underwriter Standards.

Regulators and dampers, power operated.

Rings, hot-top for ingot molds.

Rope fittings, manila and wire.

Scales, weighing, industrial, laboratory and household, except coin operated, office and store types.

Shanks, shoe.

Shims, metallic, when fabricated as machine parts.

Springs, mechanical precision.

Spinnerettes.

Soot blowers and tube cleaners, power operated, industrial and marine.

Steam cleaning and degreasing equipment and parts-washing and cleaning equipment, industrial, except commercial and domestic laundry and dry-cleaning equipment, dish and utensil washing and cleaning equipment.

Steam generating equipment, such as industrial power boilers 100 p. s. i. and higher, for stationary and marine use, including water tube boilers, horizontal return tubular boilers, refractory lined fire box boilers, but not including steel heating boilers as defined in Section IV A3ME Boiler Construction Code such as horizontal fire box boilers, Scotch type boilers for stationary use, vertical tube and tubeless boilers, oil country type boilers and miniature boilers.

Stokers, industrial and marine, with feeding capacity of 1,200 pounds per hour or more.

Strainers and filters, pipe, industrial and marine.

Tanks and vessels (used) covered by RMPR 136 and MPR 465.

Turnbuckles.

Tools, hand-operated, especially designed for the manufacture, repair or maintenance of aircraft, military or naval vehicles and equipment.

Thermostats, bi-metallic and bellows types, except those covered by MPR 591 or 188.

Welding and cutting equipment, gas, limited to torches, tips, regulators and generators.

Wheels, water.

Elevators and escalators, passenger and freight, not including farm grain elevators.

Equipment, parts and accessories exclusively designed for use on or in connection with the operation of boats or vessels, including propellers and shafts but not including marine engines, parts and accessories (unless otherwise specifically listed in this section).

Lock and dam machinery listed in RMPR 136, Appendix A.

Railroad and transportation equipment covered by mainland RMPR 136, specifically including, but not limited to:

Cars, freight, including all types of flanged wheel mining and industrial cars.

Cars, passenger, for surface, subway or elevated lines.

Locomotives and tenders, including mining and industrial.

Machines, tools, devices, appliances, designed especially for the installation, operation, maintenance and protection of tracks, yards, signals, rolling stock and motive power of surface, subway or elevated rail lines, including frogs, switches and special track work.

Railroad car and locomotive parts and specialties for elevated, subway and surface lines, including:

Axles; bearings, truck side; boilers, fire-boxes, front ends and cabs, fittings, fixtures, devices or appliances mounted thereon.

Brakes and brake gears; coupler devices or attachments; devices and appliances mounted on locomotives for treatment, distribution, and control of water, fuel, steam, sand or electricity.

Doors and fixtures, except those subject to RPS 40 (Builders' Hardware and Insect Screen Cloth).

Draft gears, buffers and attachments.

Driving, foundation and running gear.

Journal boxes, assembled.

Heating, lighting, ventilating and air conditioning equipment.

Lubricating devices.

Miscellaneous fittings, fixtures, specialties, devices or appliances designed specifically for use on railroad cars or locomotives, except artillery or other exclusively military or naval equipment.

Safety appliances and warning devices.

Sides, roofs, ends, running boards and brake steps.

Springs and spring rigging, snubbers and shock absorbers.

Tires, steel.

Train control apparatus.

Trucks, complete.

Underframes.

Wheels, iron and steel.

Trucks, industrial, hand, not including lift trucks and portable elevators as well as special purpose commercial trucks covered by MPR 188.

Broom making machinery.

Brush making machinery.

Cement making machinery specially designed and sold exclusively for the manufacture of cement.

Clay brick making and clay working machinery.

Doughnut machines, barbecue and/or rotisserie machines, food dicing machines, rotary fish cookers.

Foundry machinery and equipment as follows: Blast cleaning equipment (sand or shot); Core making and core crushing machinery; Cupolas, Dust collecting equipment; furnaces, electric metal melting; Flasks, ladles, not over 40 tons capacity; Metal molding machines; Sand preparing equipment; Shakeout equipment; Tumbling barrels or tumbling mills.

Lapidary machines and equipment (Gem cutting machines and equipment).

Paper-making and fiber and pulp board making machinery when sold as complete units (not including stock preparatory and converting machinery).

Printing presses, web-fed, newspaper and magazine, when specially built and engineered to individual purchasers' requirements including special-to-order folding machines and cut-off equipment for use with web-fed newspaper and magazine presses.

Rod, wire and tube working machinery.

Rolling mill machinery and equipment.

Textile machinery:

Fiber to fabric machinery as follows:

Cleaning and opening machinery (for cotton, wool or other fibers); Carding machinery; Combining machinery; Drawing and roving frames; Spinning and twisting machines; Yard preparatory machinery; Synthetic fiber spinning machinery; Machinery for filament extrusion; Staple fiber spinning machinery.

Fabric machinery as follows:

Looms; knitting machinery; Braiding machinery; Lace machinery, Embroidering machinery.

Bleaching, dyeing and finishing machines as follows: Bleaching machinery; Dye-

ing machinery; Cloth printing machinery; Starching machinery; Dry-finishing machinery; Wet finishing machinery; Cloth handling machinery.

Watch makers' cleaning machinery.

The following parts, attachments and accessories:

Attachments and accessories exclusively designed for incorporation in or attachment to and applicable solely to a particular machine or piece of equipment specifically suspended in this section 1.4 (h). This suspension does not apply, however, to sales of any of the following products except in so far as they have been specifically listed in other paragraphs of this section:

Adapters; Arbors; Blocks, machine tool; Brakes, spindle; Centers, bench; Centers, lathe; Chucks, all types; Die heads; Die sets; Dogs, work driving; Edges, straight; Electric etchers and de-magnetizers; Feeding devices; Glass, level; Guides, adjustable; Heads, universal dividing; Holders, tool; Holders, work; Mandrels, all types; Plates, angle; Plates, brick liner; Plates, face; Plates, lapping; Plates, surface; Plates, wearing; Posts, tool; Saw accessories; Sockets, Stops, machine; Torque wrenches; Wheels, buffing and polishing; Wheels, abrasive; Batteries, storage, wet cell; Bearings, anti-friction; Bearings and bushings, ferrous and non-ferrous, subject to RMPR 136; Belting, leather and textile, subject to RMPR 136; Bushings, porcelain, glass and steatite for electrical uses; Cable, wire, and wire and cable accessories subject to MPR 82; Capacitors, electrical; Chain, chain fittings and assemblies subject to RMPR 136; Chains, power transmission, including sprockets; Circuit breakers, electrical; Compressors, air and gas; Conduit fittings; Conduit, metallic, for electrical use; Control equipment, electrical; Cutting tools, subject to mainland RMPR 136; Cylinders, power, hydraulic, pneumatic and hydropneumatic; Distribution boards, electrical; Ducts for electrical uses, subject to RMPR 136; Electronic devices, equipment and parts, subject to RMPR 136; Engines, internal combustion, subject to mainland RMPR 136; Fans and blowers, industrial, subject to mainland MPR 351; Fuses for the protection of electrical equipment, subject to RMPR 136; Gears, pinions, sprockets and speed reducers, subject to RMPR 136; Glass products, industrial and scientific, subject to RMPR 136; Heat exchanger equipment, subject to RMPR 136; Heating units and devices, electrical, subject to RMPR 136; Hoists; Insulators, porcelain, glass, steatite, for electrical uses; Lighting equipment, electrical, subject to RMPR 136; Lubricating systems and devices, subject to RMPR 136; Magnetos, subject to RMPR 136; Motors, electrical, subject to RMPR 136; Panel boards, electrical; Plastic products, subject to MPR 523; Power transmission equipment subject to RMPR 136; Pumps, hand operated and power operated, subject to RMPR 136; Rectifiers, power industrial; Screw machine products, subject to RMPR 136; Signalling apparatus, subject to RMPR 136; Sound recording and reproducing equipment, subject to RMPR 136; Spraying devices, industrial, power operated, subject to mainland RMPR 136; Springs, subject to RMPR 136; Sprockets, power transmission, subject to RMPR 136; Stampings, metal, subject to RMPR 136; Switch boxes, electrical; Switches, electrical; Switches, electrical, knife and enclosed; Switchgear and switchgear accessories; Tanks and vessels new, pressure, non-pressure and open, subject to RMPR 136; Transformers, electrical, subject to RMPR 136; Wheels, subject to RMPR 136; Wiring devices, electrical.

Parts of any machinery or equipment covered by RMPR 136 when the machine was produced prior to December 31, 1940, when such parts are not interchangeable with parts for machines being produced at the time of sale.

Parts, repair and replacement, which are designed especially for incorporation in any of the machinery or equipment listed in this section and which have been supplied by the manufacturer of the machinery and equipment. This includes, however, sales by resellers of such parts.

The following services. Services in connection with the installation of any of the machinery or equipment listed in this section only when the machinery or equipment is sold by the manufacturer on an installed basis.

Marine or ship castings subject to RPS 41 or mainland RMPR 125 when specifically designed for ship or marine use, except castings in machinery and accessories used for ship propulsion.

Railroad specialties as defined in 1306.113 of RPS 41.

This amendment shall become effective as of June 3, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14407; Filed, Aug. 16, 1946; 11:53 a. m.]

PART 1340—FUEL

[MPR 189, Amdt. 34]

BITUMINOUS COAL SOLD FOR DIRECT USE AS BUNKER FUEL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 189 is hereby amended in the following respect:

The following undesignated paragraph is added to § 1340.313 (g) (6):

Suppliers of bunker fuel at ports on the Great Lakes, except Lake Ontario and Lake Erie ports, may add no more than 6 cents per net ton to the maximum prices established by this § 1340.313 (g).

This amendment shall become effective August 19, 1946.

Issued this 19th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14463; Filed, Aug. 19, 1946; 11:26 a. m.]

PART 1305—ADMINISTRATION

[SO 132, Amdt. 48]

EXEMPTION AND SUSPENSION FROM PRICE CONTROL OF CERTAIN FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

¹ 10 F.R. 14954, 15170; 11 F.R. 296, 297, 881, 1102, 1467, 2378, 2640, 2989, 2927, 3247, 3396, 4021, 4090, 4861, 6066, 5353, 5539, 5598, 5599, 5650, 5740, 5868, 5781, 6232, 6606, 6863, 7185, 8446, 8534, 8647, 8643.

Supplementary Order No. 132 is amended in the following respects:

1. In section 2 (a) (2) the first fish and seafood item is amended to read as follows:

	From	Termination Date
Fish and seafood, fresh or frozen (domestic and imported). This does not include any species of salmon (Pacific), tuna, and tunalike fishes (Pacific), sardines, albacore and sea herring (Atlantic), or pilchards.	May 20, 1946	Indefinite.

2. In section 2 (a) (2) the termination date for the second fish and seafood item is changed from August 18, 1946 to "Indefinite".

This amendment shall be effective August 16, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

Approved: August 15, 1946.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 46-14418; Filed, Aug. 16, 1946;
4:21 p. m.]

PART 1305—ADMINISTRATION

[SO 132, Amdt. 47]

EXEMPTION AND SUSPENSION FROM PRICE CONTROL OF CERTAIN FOODS, GRAINS AND CEREALS, FEEDS, TOBACCO AND TOBACCO PRODUCTS, AGRICULTURAL CHEMICALS, INSECTICIDES AND BEVERAGES

A statement of the considerations involved in the issuance of this amendment has been issued and filed with the Division of the Federal Register.

In section 1 (a) (2) the following items are added in alphabetical order:

Apricots, dried (Domestic and Imported).
Figs, dried (Domestic and Imported).
Peaches, dried, including nectarines (Domestic and Imported).
Pears, dried (Domestic and Imported).
Prunes, dried (Domestic and Imported).
Raisins and zante currents, Raisin waste (Domestic and Imported).

This amendment shall become effective August 19, 1946, except as to dried prunes and raisins as to which it shall be effective as of July 28, 1946.

Issued this 19th day of August 1946.

PAUL A. PORTER,
Administrator.

Approved: August 13, 1946.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 46-14471; Filed, Aug. 19, 1946;
11:24 a. m.]

PART 1340—FUEL

[RMPR 122, Amdt. 47]

SOLID FUELS SOLD AND DELIVERED BY DEALERS

A statement of considerations involved in the issuance of this amendment, issued

simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation No. 122 is hereby amended in the following respects:

1. Section 1340.256 (c) (1), (2) and (3) is amended to read as follows:

(1) In the case of bituminous coal prepared at the dock as double-screened or lump sizes, the amount per net ton specified for the solid fuels following:

From mines in District No. 1.....	\$1.68
From mines in District No. 2.....	1.62
From mines in District No. 3 (except medium volatile in Price Classification A).....	1.41
From mines in District No. 3 and in Price Classification A, medium volatile.....	1.66
From mines in District No. 4.....	1.48
From mines in District No. 6.....	1.46
From mines in District No. 7 or 8, low volatile.....	2.24
From mines in District No. 7 or 8, medium to high volatile.....	1.82

The maximum price for each size and kind of dock-run bituminous coal shall be 50 cents per net ton lower than the maximum price for the same size and kind of coal when rescreened at the dock.

(2) In the case of bituminous coal in all other sizes, the amount per net ton specified for the solid fuels following:

From mines in Districts Nos. 7 or 8, low volatile screenings and run-of-mine.....	\$1.63
From mines in District No. 1, high volatile screenings and run-of-mine.....	1.53
From mines in District No. 2, high volatile screenings and run-of-mine.....	1.47
From mines in District No. 3, high volatile screenings and run-of-mine.....	1.26
From mines in District No. 4, high volatile screenings and run-of-mine.....	1.33
From mines in District No. 6, high volatile screenings and run-of-mine.....	1.31
From mines in Districts Nos. 7 or 8 high volatile screenings and run-of-mine.....	1.42
From mines in District No. 1, high volatile stoker size.....	1.53
From mines in District No. 2, high volatile stoker size.....	1.47
From mines in District No. 3, high volatile stoker size.....	1.26
From mines in District No. 4, high volatile stoker size.....	1.33
From mines in District No. 6, high volatile stoker size.....	1.31
From mines in Districts Nos. 7 or 8, high volatile stoker size.....	1.72
From mines in Districts Nos. 7 or 8, low volatile stoker size.....	1.64

(3) In the case of Pennsylvania anthracite the amount per net ton for the respective sizes, as follows:

Size	Amount per net ton
Egg, stove and nut.....	\$3.46
Pea.....	3.11
Buckwheat No. 1.....	2.26
Rice.....	2.06
Barley.....	1.46
Smaller than barley.....	1.21

2. Section 1340.257 is amended to read as follows:

(a) General freight rate increases. The Interstate Commerce Commission has approved various increases in railroad freight rates set forth in its order of June 20, 1946 on Docket Ex Parte 162. Certain state regulatory bodies have or are expected to increase intra-state rail-freight rates on the same basis.

The exact amount of the freight rate increase on solid fuel received in whole or in part by rail incurred as a result of the order of the Interstate Commerce Commission on Docket Ex Parte 162 or any orders issued by state regulatory bodies increasing intra-state rail freight rates may be added to maximum prices of solid fuels dealers established as follows:

(1) Prices established under Rules 1, 1A or 1B of § 1340.254 (b) of this regulation.

(2) Prices established prior to July 1, 1946 under Rule 4 of § 1340.254 (b).

(3) Prices established prior to July 1, 1946 by any order of adjustment issued under § 1340.259 (a) or by any area ceiling order issued under § 1340.260.

This amendment shall be effective August 19, 1946, except that item 2 thereof shall become effective as of July 26, 1946.

Issued this 19th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14461; Filed, Aug. 19, 1946;
11:26 a. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

[MPR 452, Amdt. 15]

MANUFACTURERS' MAXIMUM PRICES FOR AUTOMOTIVE PARTS

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.

Maximum Price Regulation 452 is amended in the following respects:

1. Section 1 (a) (1) is amended to read as follows:

(1) *Manufacturer.* A person is a manufacturer under this regulation with respect to a part if he is a producer (as defined in section 21) or rebuilder of the part.

2. Section 21 (g) is amended to read as follows:

(g) "Producer" for the purposes of this regulation, means:

(1) Any person engaged in one or more operations in the fabrication, processing or assembly of the product being priced, including subcontractors.

(2) Any person who sells a product which has been produced on his account from materials or parts owned by him.

3. Section 6 (a) is amended to read as follows:

(a) *Determination of maximum list price.* This section sets maximum prices for sales by a manufacturer who:

(1) Had a list price for the part being priced in effect on March 31, 1942;

(2) Placed a list price authorized by the Office of Price Administration in effect subsequent to March 31, 1942; or

(3) Has established a list price in accordance with paragraph (b) of this section.

The maximum price which such a manufacturer may charge for a rebuilt

motor shall be the most recent list price described in (1), (2) or (3).

The maximum price which such a manufacturer may charge for a new part is the most recent of the list prices described in (1), (2) or (3), increased by 15 percent, but in the case of a part included in the following schedule increased by the applicable percentage in that schedule.

	Percent
Dump bodies.....	24.5
Engines and engine parts.....	15.5
Fan belts.....	17.3
General purpose anti-friction bearings.....	12.0
Hoists.....	24.5
Radiator hose.....	26.8

Where a manufacturer increases the most recent of the list prices described in subparagraph (1), (2) or (3), above, either because he is permitted to do so by this paragraph (a) or because of the suspension from price control of the manufacturer's sale of the part under Supplementary Order 129, he shall determine new suggested resale list prices to accompany the manufacturer's adjusted list prices. These new suggested resale list prices shall be determined in accordance with section 9 (b).

Where a manufacturer has received an adjustment under section 16 of Maximum Price Regulation 452, or under Supplementary Order 142, or shall receive an adjustment under Supplementary Order 142, for the parts being sold, his maximum price for that part shall be the higher of the maximum price authorized under the above provisions of this section or the adjusted maximum price authorized under section 16 of this regulation or Supplementary Order 142.

4. Paragraph 6 (b) (1) (ii) is amended to read as follows:

(ii) A new list price must be established when there is offered for sale a part for which a list price was not in effect between March 31, 1942, and the time of offering it for sale, but for which a list price was in effect and withdrawn during the period January 1, 1932, to March 31, 1942. The new list price shall be established within thirty days from the date the part is offered for sale either in accordance with section 9 or by adopting a price no higher than the highest list price in effect during the period January 1, 1932, to March 31, 1942, as the new list price.

If the manufacturer elects to reestablish a list price he had in effect during the period January 1, 1932, to March 31, 1942, as a new list price, he is not required to report or secure approval of such price as required by section 9. As soon as it is reestablished, he may charge and accept payment at or below such price and notify his customers of applicable resale prices in accordance with section 10 (a) notwithstanding section 10 (c). However, he shall notify the OPA office indicated below in writing of such a reestablished price within thirty days after he reestablishes it and shall furnish that office, as required by section 6 (c), with catalogs, price lists, and discount sheets containing these reestablished prices only when he has such data available. In the case of new parts, where his total sales of all commodities

during the previous calendar or fiscal year were \$500,000 or more, he should send the required information to the National OPA Office, Washington 25, D. C. In all other cases, including those involving rebuilt parts, a manufacturer shall send the required information to the regional OPA office for the region in which his principal place of business is located.

5. Paragraph 6 (c) is amended to read as follows:

(c) *List prices to be furnished to Office of Price Administration.* The manufacturer shall furnish to the OPA office indicated below, to the extent it has not already done so, catalogs, price lists, and discount sheets containing list prices which are established as list prices by this section. In the case of new parts, where his total sales of all commodities during the previous calendar or fiscal year were \$500,000 or more, he shall send the required information to the National OPA Office, Washington 25, D. C. In all other cases, including those involving rebuilt parts, a manufacturer shall send the required information to the regional OPA office for the region in which his principal place of business is located.

6. The narrative in section 7 (a) preceding subparagraph (1) is amended to read as follows:

(a) *In general.* The maximum price a manufacturer may charge for the sale of a rebuilt motor or a new part for which he cannot establish a maximum price in accordance with section 6 or for which he has not established a new list price in accordance with that section and section 9, although permitted, but not required to do so, shall be the non-list price determined as follows:

The maximum non-list price of a rebuilt motor shall be the maximum price determined in accordance with the applicable subparagraphs of subparagraphs (1) to (4) below.

The maximum non-list price for a sale of a new part, except for a sale of metal automotive stampings to manufacturers of automotive parts and automotive vehicles shall be the non-list price determined in accordance with the applicable subparagraph of subparagraphs (1) to (4) below, increased by 15 percent but in the case of a part included in the schedule below increased by the applicable percentage in that schedule:

	Percent
Dump bodies.....	24.5
Engine and engine parts.....	15.5
Fan belts.....	17.3
General purpose anti-friction bearings.....	12.0
Hoists.....	24.5
Radiator hose.....	26.8

The maximum non-list price for a sale of metal automotive stampings to manufacturers of automotive parts and automotive vehicles shall be the non-list price determined in accordance with the applicable subparagraph of subparagraphs (1) to (4) below increased by 19 percent.

7. Subparagraph (5) of section 7 (a) is hereby revoked.

8. The undesignated paragraph in section 7 beginning with the phrase "The price established under subparagraph

(1), (2), (3), (4), or (5)," is hereby designated as subparagraph (5), and is amended to read as follows:

(5) The price consisting of the amount determined in accordance with subparagraph (1), (2), (3) or (4) plus the increase permitted in such an amount by this section which is established as the maximum price for the sale of a part to a certain class of purchaser shall be the maximum price for all future sales to the same class of purchaser until changed in accordance with paragraph (b) or (c) of this section or Supplementary Order 142. For the purpose of subparagraph (1), all deliveries under a single contract shall be considered as part of one sale.

9. A new subparagraph (6) is added to section 7 (a) of Maximum Price Regulation 452 to read as follows:

(6) *Definitions.* (i) "Automotive metal stampings" are those stamped or pressed metal automotive parts, when sold unassembled, which are mechanically processed by the use of dies and upon which further finishing operations may or may not have been performed. Such a stamping may consist of two or more stamped pieces which have been permanently joined by methods such as brazing, riveting, soldering or welding.

(ii) "General purpose anti-friction bearings" are those bearings not designed specially for automotive use and consisting in part of precision metal balls of any size, or metal rollers of any size or shape.

10. The narrative in paragraph 9 (b) preceding subparagraph (1) is amended to read as follows:

(b) *Determining of applicable suggested resale list prices.* If the manufacturer had suggested resale list prices for a part on or after March 31, 1942, or customarily names suggested resale prices in connection with his price list, he shall name suggested resale prices for any parts for which new list prices are established in accordance with sections 6 and 9 or established as a result of the suspension of his sales from price control under section 14 (b) of Supplementary Order 129. If the manufacturer now wishes to suggest resale prices for the first time, he may do so for a part for which a new price list is established in accordance with section 6 (b) or established as a result of the suspension of his sales of the part from price control under section 14 (b) of Supplementary Order 129. The suggested resale prices shall be determined as follows:

11. Paragraph 9 (c) (1) is amended to read as follows:

(1) *For new list prices for new parts having manufacturers' maximum prices in accordance with sections 6 and 9 (a).* The report shall be filed with the National OPA Office, Washington 25, D. C., when the seller's total sales of all commodities during the previous calendar or fiscal year were \$500,000 or more, and in all other cases, with the regional OPA office for the region in which his principal place of business is located, and shall be signed by the manufacturer or a responsible official of the manufacturer

and shall contain the following information:

(i) Description of the part and its number or other designation.

(ii) The justification under section 6 for computing a new price in accordance with sections 9 and 13.

(iii) The new list price and suggested resale prices and the previous list price and suggested resale prices, if any, for each class of purchaser.

(iv) The newly determined unit costs and the unit costs included in the previous list prices, if available.

(v) If not previously filed, all the other factors used in determining the new list price and suggested resale prices such as markup, discounts, differentials, freight and other allowances and other price determining factors.

(vi) A statement that the new list price was determined in accordance with section 9 (a) and that the new suggested resale prices were determined in accordance with section 9 (b) and that the unit costs included in such prices were determined in accordance with section 13.

12. A new subparagraph (3) is added to section 9 (c) to read as follows:

(3) *For new suggested resale prices where manufacturer's sales are suspended under section 14 (b) of Supplementary Order 129.* A report shall be filed with the National OPA Office, Washington 25, D. C., when the manufacturer's total sales during the previous calendar or fiscal year were \$500,000 or more and in all other cases, with the regional OPA office for the region in which his principal place of business is located, and shall be signed by the manufacturer or a responsible official of the manufacturer and shall contain the following information:

(i) Description of the part and its number or other designation;

(ii) The new list price and suggested resale prices and the previous list price and suggested resale prices, if any, for each class of purchaser;

(iii) A statement that the manufacturer's sale is suspended under section 14 (b) of Supplementary Order 129;

(iv) A statement that the suggested resale prices were determined in accordance with the applicable subparagraph of section 9 (b).

13. Paragraph 10 (a) is amended to read as follows:

(a) *Furnishing of suggested resale price lists.* A manufacturer whose maximum prices are the list prices which he had in effect on March 31, 1942, and who had suggested resale list prices in effect on that date shall furnish to his customers, to the extent they do not already have the same, copies of catalogs, price lists, and discount sheets in which are contained his resale list prices. A manufacturer whose prices are list prices placed in effect after March 31, 1942, with the authorization of the Office of Price Administration, or list prices established in accordance with sections 6 (b) and 9, or sections 8a and 9, or section 14, or where his sales of the part have been suspended from price control by Supplementary Order 129, and who also established suggested list

prices shall furnish to his customers, to the extent they do not already have the same, copies of catalogs, price lists, and discount sheets in which are contained his resale list prices. A manufacturer who reestablishes as a new list price for a part a list price in effect during the period January 1, 1932, to March 31, 1942 (in accordance with section 6), may, in lieu of furnishing catalogs, price lists, and discount sheets containing resale prices, notify his customers of such resale prices by stating these prices on the invoices which he furnishes to such customers in connection with sales of the part. A manufacturer, in lieu of furnishing catalogs, price lists, and discount sheets to classes of customers to whom he would not ordinarily furnish such material, may notify such customers of the resale prices for a part by stating such resale prices on the invoices he furnishes to these customers in connection with sales of a part. A manufacturer may also notify customers by invoices of new list prices approved, or not disapproved within thirty days from filing in accordance with section 9, or new list prices authorized under section 14, pending the issuance of new price lists or catalogs or supplements to existing catalogs or price lists. When the suggested resale prices are stated upon invoices in accordance with this paragraph, they shall be indicated by the appropriate description as "retail maximum", "wholesale maximum", etc. A manufacturer need not furnish catalogs, price lists and discount sheets to a customer for parts which the latter, as a manufacturer, resells under his own trade name. Resale price lists of the type described in this paragraph are called "Approved resale price lists" in paragraph (b).

14. Paragraph 10 (b) is amended to read as follows:

(b) *Statements to be furnished to a customer by a manufacturer having a suggested resale price list in effect.* A manufacturer having in effect an approved resale price list (of a type described in paragraph (a)) shall furnish to all customers a statement substantially the same as the following statement, to which is affixed the signature, or a facsimile thereof, of the manufacturer, or a responsible official of the manufacturer:

The suggested resale prices, discounts and allowances in our catalog(s), price list(s), and discount sheet(s) dated _____ (or "numbered _____") are the maximum resale prices for the parts listed therein, in accordance with Maximum Price Regulation 453 (Wholesalers' and Retailers' Maximum Prices for Automotive Parts) of the Office of Price Administration.

A sample copy of the statement issued by the manufacturer of new parts should be forwarded to the National OPA Office, Washington 25, D. C., where the seller's total sales of all commodities during the previous calendar or fiscal year were \$500,000 or more. However, a manufacturer of new parts whose total sales of all commodities during the previous calendar or fiscal year were less than \$500,000 and a rebuilder of used parts should furnish the sample copy to

the regional OPA Office for the region in which its principal place of business is located.

15. Section 12 (b) (1) is amended to read as follows:

(1) *For new non-list prices for new parts.* The report shall be filed with the National OPA Office, Washington 25, D. C., where the seller's total sales of all commodities during the previous year were \$500,000 or more, and in all other cases with the Regional OPA Office for the region in which his principal place of business is located, and shall be signed by the manufacturer or a responsible official of the manufacturer and shall contain the following information:

(i) A description of the part, its number or other identification.

(ii) The price on its sale prior to its sale at the increased price.

(iii) The new non-list price.

(iv) A statement that the new non-list price was determined in accordance with paragraph (a) above, and section 13.

(v) An explanation of the price increase.

16. Section 13 is amended by changing the narrative preceding paragraph (a) so as to read as follows:

When costs must be determined by a manufacturer in connection with a price determining method which must be followed in determining list or non-list prices in accordance with the provisions of this regulation, the following cost determining method shall be followed:

17. The references in section 14, wherever they occur, to "non-list" are amended to read: "list or non-list."

18. The reference in section 14 (a) to "section 12 and section 13" is amended to read: "section 9 or 12 and section 13."

19. Paragraph 14 (b) (1) is amended to read as follows:

(1) *Where the manufacturer is a producer.* Where the manufacturer is a producer, he shall file a report with the National OPA Office, Washington, D. C., for new parts in all cases where his total sales for all commodities were \$500,000 or more during the previous calendar or fiscal year, and in all other cases, including all matters involving rebuilt parts, he shall file a report with the regional OPA office for the region in which his principal place of business is located, containing:

(i) The price determining method and rates used in establishing prices as provided in paragraph (a);

(ii) A description of the parts for which the prices are determined;

(iii) A representative sample of prices determined in accordance with the pricing method.

(iv) An explanation of the circumstances necessitating pricing under this section;

(v) Relevant data bearing on the price determining method and rates to be used, including evidence that such method and rates were calculated as provided in paragraph (a); and

(vi) A statement of whether or not quantity production has been achieved or is anticipated.

20. Paragraph 14 (b) (2) is amended to read as follows:

(2) *Where the manufacturer is not a producer.* Where the manufacturer is not a producer, he shall file a report with the National OPA Office, Washington 25, D. C., for new parts in all cases where his total sales of all commodities for the previous calendar or fiscal year were \$500,000 or more, and in all other cases, including cases involving rebuilt parts, he shall file a report with the regional OPA office for the region in which his principal place of business is located, containing:

(i) A description of the part for which a price is being established;

(ii) An explanation of the circumstances necessitating pricing under this section;

(iii) The costs for the part determined in accordance with section 13 (b);

(iv) The amount of the markup to be added to the costs, together with a percentage breakdown of the expenses and profit provided for;

(v) The discounts and allowances to be applied to the price for each class of purchaser.

21. Paragraph 14 (d) is amended to read as follows:

(d) *Refiling of prices or price determining method.* No later than six months after the last filing, in accordance with this section, of prices or a price determining method which was not disapproved by the Office of Price Administration, the manufacturer shall file a report with the National OPA Office, Washington 25, D. C., for new parts in all cases where his total sales for the previous calendar or fiscal year for all commodities were \$500,000 or more, and in all other cases, including all matters involving rebuilt parts, he shall file this report with the regional OPA Office for the region in which his principal place of business is located, containing:

(1) A comparison of his total actual direct and indirect costs for the period under review, with the estimates on which the prices or price determining method being used was based; and

(2) So far as available for each of the representative items for which prices were previously charged, the current price being charged and a comparison of the actual direct and indirect unit costs with the estimates on which the price previously charged was based.

22. Section 14a is amended to read as follows:

SEC. 14a. *Regional office authorization.* Regional offices are authorized to take any and all action that may be necessary in connection with the processing, approving or disapproving of notices of proposed new list prices and of new non-list prices and requests for exemptions from the requirement of establishing new list prices filed, under Article III of this regulation, in connection with rebuilt parts and also in connection with new parts where the total sales for the previous calendar or fiscal year of the manufacturer of said new parts were less than \$500,000.

23. Section 14c is revoked.

24. A new Section 14d is added to read as follows:

SEC. 14d. *Rounded list and non-list prices.* Notwithstanding any other provision of this regulation, if during the base period list or non-list prices were customarily quoted to the nearest five cents, maximum prices determined in accordance with this regulation may be adjusted to the nearest five cents. If list or non-list prices during the base period were not customarily quoted to the nearest five cents, maximum prices determined in accordance with this regulation may be adjusted to the nearest cent or fraction thereof in which the seller quoted prices during the base period.

25. Section 16 is amended to read as follows:

SEC. 16. *Applications for adjustment and petitions for amendment—*(a) *Individual adjustments.* The provisions of Supplementary Order 142, as amended, apply to adjustments in maximum prices for automotive parts under this regulation, and a manufacturer applying for an adjustment in his maximum prices under this regulation shall comply with the applicable provisions of Supplementary Order 142, as amended.

(2) *Group adjustments by regional offices.* In addition to the powers delegated to regional offices by other provisions of this regulation, the regional office for the region in which the principal places of business of a group of motor rebuilders are located may by a single order adjust the maximum prices for this group whenever it determines that in general the maximum prices of the group for rebuilt motors are such that their production is impeded or threatened and that it is not practicable to remove that impediment or threat by individual adjustment.

(b) *Petitions for amendment.* Any person seeking an amendment of this regulation may file a petition for amendment in accordance with Revised Procedural Regulation No. 1. There shall be filed with such petition and incorporated therein all relevant data showing the need for the proposed amendment and its conformity to the policy of this regulation and of the Price Control Extension Act of 1946, to control inflation.

26. Appendix C is revoked.

This amendment shall become effective August 24, 1946.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 19th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14464; Filed, Aug. 19, 1946;
11:25 a. m.]

PART 1360—MOTOR VEHICLES AND MOTOR
VEHICLE EQUIPMENT
[MPR 453, Amdt. 9]

WHOLESALESALE' AND RETAILERS' MAXIMUM
PRICES FOR AUTOMOTIVE PARTS

A statement of the considerations involved in the issuance of this amend-

ment issued simultaneously herewith has been filed with the Division of the Federal Register.

1. The first sentence in section 5 following the headnote is amended to read as follows:

This section does not apply to non-list parts or to sales of trade name parts or catalog house parts.

2. The headnote of section 6 and the first sentence in section 6 following the headnote are amended to read as follows:

SEC. 6. *Maximum prices for sales at wholesale and retail of new and rebuilt parts when his seller has not been notified of the applicable maximum price and for sales of trade name parts and catalog house parts.* Maximum prices for sales at wholesale and at retail of new and rebuilt parts which do not have list prices which the supplier has stated to be the maximum prices for resellers and for sales of trade name parts and catalog house parts shall be established in accordance with the first applicable of the following paragraphs subject to paragraph (d):

3. A new paragraph (e) is added to section 6 to read as follows:

(e) *Definition—*(1) *Trade name parts.* A trade name part is a purchased automotive part when sold by a person under his own trade name.

(2) *Catalog house parts.* A catalog house part is a purchased automotive part when sold by a person not under his own trade name but through the issuance of catalogs or price lists to the automotive trade.

4. Section 7 of Maximum Price Regulation 453 is amended to read as follows:

SEC. 7. *Maximum prices for sales by resellers of parts priced under section 6 the manufacturer's maximum prices for which are increased or decreased after September 1, 1943.* The maximum prices for the sale by resellers of a part priced under section 6 of MPR 453, the manufacturer's maximum price for which is increased or decreased after September 1, 1943, shall be determined as follows: The reseller shall multiply his maximum price under section 6 for the sale of the part to a purchaser of the same class by a percentage to be determined by dividing the present purchase price for the part in effect to him from his supplier by the purchase price in effect to him when he first charged the selling price which section 6 establishes as his maximum price. However, in the case of a trade name or catalog house part, the reseller shall multiply its maximum price under section 6 by a percentage to be determined by dividing its present purchase price by the highest purchase price in effect to it on March 31, 1946. A maximum price determined under this section for a rebuilt part other than a rebuilt motor shall not exceed 85 percent of the manufacturer's suggested retail list price for the same part (or lacking the same part the nearest equivalent part) when new.

5. Section 17 (a) is amended to read as follows:

(a) *Manufacturer.* A person is a manufacturer under this regulation with respect to a part if he is a producer as defined in section 21*(g) of MPR 452, which reads as follows:

"Producer" * * * means,

(1) Any person engaged in one or more operations in the fabrication, processing or assembly of the product being priced, including subcontractors.

(2) Any person who sells a product which has been produced on his account from materials or parts owned by him.

This amendment shall become effective August 24, 1946.

Issued this 19th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14465; Filed, Aug. 19, 1946;
11:26 a. m.]

PART 1380—HOUSE AND SERVICE INDUSTRY MACHINES

[MPR 598, Amdt. 21]

POSTWAR HOUSEHOLD MECHANICAL REFRIGERATORS

A statement of the considerations involved in the issuance of this amendment issued simultaneously herewith has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 598 is amended in the following respect:

Section 24, Appendix A is amended by adding the following model in proper alphabetical order to the list of refrigerator models therein:

Make	Brand	1946 Model No.	1st zone
Westinghouse Electric Corporation.	Westinghouse.	B-9-46	\$221.00

¹ Zone 1 includes the 48 States and District of Columbia.

This amendment shall become effective on the 19th day of August 1946.

Issued this 19th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14470; Filed, Aug. 19, 1946;
11:24 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 11, Amdt. 94]

SUSPENSION OF CONTROL ON TRANSPORTATION BY WATER AND TOWING SERVICE

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 1499.46 (f) is amended by the addition of a new subparagraph (12) to read as follows:

(12) Transportation by water and towing services (including rentals of vessels and furnishing of steam and fresh water for ships) by carriers, other than

common carriers subject to the Stabilization Act of 1942, as amended, performed within the limits of a single harbor or between places in contiguous harbors.

This amendment shall become effective August 19, 1946.

Issued this 19th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14459; Filed, Aug. 19, 1946;
11:26 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14F, Amdt. 20]

MODIFICATIONS OF MAXIMUM PRICES ESTABLISHED BY GENERAL MAXIMUM PRICE REGULATION FOR CERTAIN CHEMICALS, DRUGS AND PAINTS

A statement of considerations accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Supplementary Regulation 14F is amended in the following respect:

A new paragraph (f) is added to section 10 to read as follows:

(f) *Modification of maximum prices.* Any manufacturer and any reseller of linseed replacement oil may increase his maximum prices for this commodity as established under (a) and (b) above, by amounts not in excess of the following:

(1) *Manufacturers.* \$0.064 per gallon.
(2) *Any reseller.* By an amount not exceeding the actual percentage increase in cost to him resulting from the increase permitted his supplier, authorized by the Office of Price Administration, since March 31, 1946.

This Amendment No. 20 shall become effective August 19, 1946.

Issued this 19th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14460; Filed, Aug. 19, 1946;
11:25 a. m.]

Chapter XVIII—Office of War Mobilization and Reconversion, Office of Economic Stabilization

PART 4003—SUBSIDIES: SUPPORT PRICES

[Directive 129¹]

ABSORPTION BY COMMODITY CREDIT CORPORATION OF CERTAIN SUBSIDIES AND EXPENSES IN CONNECTION WITH THE PRODUCTION AND DISTRIBUTION OF 1945 AND 1946 CROP SUGAR BEETS THROUGH CONTRACTS WITH THE UNITED STATES BEET SUGAR PROCESSORS

The Secretary of Agriculture has, by letter dated August 9, 1946, submitted certain information and recommendations to me with respect to the proposed contracts between Commodity Credit Corporation and the processors of sugar beets in the United States under which Commodity Credit Corporation would make certain payments and assume cer-

tain obligations to such processors with respect to the 1945 crop and 1946 crop production of beet sugar. The proposed program will result in a loss to Commodity Credit Corporation of not in excess of \$10,000,000 over the amounts previously authorized under the programs affected by the proposed contracts. After careful consideration, I hereby find that the proposed program is necessary to insure the maximum necessary distribution of sugar during the coming months and to carry out effectively programs previously authorized.

Accordingly, pursuant to the authority vested in me by the Stabilization Act of 1942, as amended, and by Executive Order 9250 of October 3, 1942 (7 F.R. 7871), Executive Order 9328 of April 8, 1943 (8 F.R. 4681), Executive Order 9599 of August 18, 1945 (10 F.R. 10155), Executive Order 9651 of October 30, 1945 (10 F.R. 13487), Executive Order 9697 of February 14, 1946 (11 F.R. 1691), Executive Order 9699 of February 21, 1946 (11 F.R. 1929), and Executive Order 9762 of July 25, 1946 (11 F.R. 8073), it is hereby ordered:

The Department of Agriculture is authorized and directed to carry out through the Commodity Credit Corporation the program as described in the Secretary of Agriculture's letter and the memorandum enclosed therewith.

Issued and effective this 17th day of August 1946.

JOHN R. STEELMAN,
Director of Economic Stabilization.

[F. R. Doc. 46-14488; Filed, Aug. 19, 1946;
11:59 a. m.]

Chapter XXIII—War Assets Administration

[Reg. 2, Order 7]

PART 8302—DISPOSAL OF SURPLUS PERSONAL PROPERTY TO PRIORITY CLAIMANTS

DISPOSAL OF PACKAGED HOSPITALS

There are now in surplus, crated for export, three (3) new complete hospital units, consisting of one (1) 1,000-bed unit with an acquisition cost of about \$250,000, and two (2) 600-bed units with an acquisition cost of about \$110,000 each. These units are designed to be completely sufficient to take care of the specified number of patients. They contain a varied assortment of items, including drugs and medicines, medical supplies of all kinds, surgical and dental instruments and equipment, cots, pajamas, books, office equipment, and laundry machinery. Other units may be declared surplus in the future.

The United States Public Health Service has recommended that because of the severe shortage of hospital facilities in the country these complete hospital units should be disposed of in such a manner as to insure that they are used as hospitals and are not broken up by their purchasers in order to obtain a speculative profit on the resale of their components. It has also recommended that pursuant to the provisions of section 13 (a) (2) of the Surplus Property Act of 1944 and in accordance with the

¹ 32 CFR, 1946 Supp., 4003.40a.

¹ 11 F.R. 5125, 6237, 6545.

provisions of Part 8314² nonprofit public-health institutions and instrumentalities be given an opportunity in the public interest and to the extent feasible to fulfill their urgent needs for these complete units.

Under the priority provisions of the Surplus Property Act such an opportunity to nonprofit institutions and instrumentalities cannot be afforded until an offering has been made to Government agencies, veterans, and the Reconstruction Finance Corporation for small business. Certain priority groups are entitled to buy surplus property for purposes of resale. While some members of these priority groups might be interested in the acquisition of these hospital units for use as hospitals, it is possible that others would be interested solely for the purpose of breaking up the units in order to resell the components at a speculative profit. The usual customers for the components would be doctors, dentists, and hospitals, among them the nonprofit institutions and instrumentalities to which the Public Health Service recommends disposal at the usual forty (40) percent discount. Thus to permit disposal without restriction against resale may result in the payment of an exorbitant price by the nonprofit institutions and instrumentalities which urgently need the property.

In the light of these considerations the Administrator deems it in the public interest to offer these hospital units as units subject to a special condition of sale preventing speculation in them or their components. It is deemed that these hospital units are not of appropriate types for disposal for resale as a stock in trade, and that to permit such resale would not be consistent with the objectives stated in sections 2 (h) and (g) of the Surplus Property Act.

Pursuant to the authority of the Surplus Property Act of 1944 (58 Stat. 765; 50 U. S. C. App. Sup., 1611), Public Law 181, 79th Congress, 1st Session (59 Stat. 533, Executive Order 9689 (11 F.R. 1265), and Public Law 375, 79th Congress, 2d Session, *It is hereby ordered, That:*

1. Complete hospital units shall be offered by disposal agencies only to priority claimants in accordance with the provisions of this part, and to nonprofit institutions and instrumentalities in accordance with the provisions of Part 8314.

2. In disposing of hospital units the War Assets Administration shall require the purchasers to represent and agree that they will not resell any or all such property to others within three (3) years of the date of purchase without the consent in writing of the War Assets Administration.

This order shall become effective August 17, 1946.

ROBERT M. LITTLEJOHN,
Administrator.

AUGUST 14, 1946.

[F. R. Doc. 46-14485; Filed, Aug. 19, 1946;
11:49 a. m.]

² Reg. 14 (10 F.R. 14028; 11 F.R. 2714, 4096).

TITLE 43—PUBLIC LANDS: INTERIOR Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1621]

PART 80—TOWN SITES

INDIAN POSSESSIONS IN TOWN SITES, TOWNS, NATIVE TOWNS

Section 80.21 is amended to read as follows:

§ 80.21 *Sale of land for which restricted deed has issued.* When a native possessing a restricted deed for land in a trustee town site, issued under authority of the act of May 25, 1926 (44 Stat. 629; 48 U. S. C. 355a-355d), desires to sell the land, he and the proposed vendee should execute a contract of sale prepared for the approval of the Secretary of the Interior and send it to the General Superintendent, Alaska Native Service, Juneau, Alaska. The General Superintendent will cause a field investigation to be made, if deemed necessary, and will make a report and recommendation to the Commissioner of Indian Affairs as to the advisability of approving the proposed sale. The report and recommendation will be routed to the Commissioner of Indian Affairs through the Town Site Trustee in Alaska, for his concurrence or comment.

Upon consideration of the report and recommendations of the General Superintendent, and any comment thereon made by the Town Site Trustee, the Commissioner of Indian Affairs will submit a recommendation to the Secretary of the Interior, as to the approval or disapproval of the proposed sale, routing the recommendation to the Secretary through the Director, Bureau of Land Management for his concurrence or comment.

FRED W. JOHNSON,
Acting Director.

I concur: July 29, 1946.

WILLIAM ZIMMERMAN,
Assistant Commissioner of Indian
Affairs.

Approved: August 9, 1946.

C. GIRARD DAVIDSON,
Assistant Secretary.

[F. R. Doc. 46-14446; Filed, Aug. 19, 1946;
10:05 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 10—EMERGENCY RADIO SERVICES COORDINATED SERVICE

The Commission in meeting on August 7, 1946, amended, effective immediately, § 10.123 *Coordinated service*, and § 10.153 *Coordinated service* to read as follows:

§ 10.123 *Coordinated service.* Any licensee in the emergency service who is authorized to operate a municipal police radio land station may furnish a coordinated radiocommunication service to mobile units licensed in the emergency service to any other municipality, county, State, or governmental agency.

A licensee of such a station may accept for the cooperative use of the station,

only contributions to capital and operating expenses, on a cost sharing basis, from those to whom it renders coordinated service.

§ 10.153 *Coordinated service.* Any licensee in the emergency service who is authorized to operate a State police radio land station may furnish a coordinated radiocommunication service to mobile units licensed in the emergency service to any other municipality, county, State, or governmental agency.

A licensee of such a station may accept for the cooperative use of the station, only contributions to capital and operating expenses, on a cost sharing basis, from those to whom it renders coordinated service.

(Sec. 4 (i) 48 Stat. 1066; 47 U. S. C. 154 (i))

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-14409; Filed, Aug. 16, 1946;
2:20 p. m.]

PART 5—EXPERIMENTAL RADIO SERVICES

MISCELLANEOUS AMENDMENTS²

The Commission in meeting on August 7, 1946, amended, effective immediately, § 5.21 *Frequencies* and § 5.22 *Tolerance* to read as follows:

§ 5.21 *Frequencies.* (a) The following frequencies are allocated for assignment to Class 1 and Class 2 experimental stations:

Kc	Kc
1614	35060 ²
2398	37060 ²
3492.5	37140 ²
4797.5	37540 ²
6425	39140 ²
9135	39460 ²
12862.5	39540 ²
17310	40980 ²
23100	42980
30660 ²	72180
31020 ²	72220
31140 ²	156525 ⁴
31180 ²	156975 ⁴
31540 ²	157425 ⁴
33340 ²	157725 ⁴
33460 ²	158175 ⁴
33620 ²	Above 30,000,000

² Subject to change when the Commission announces its new frequency service-allocation to the nongovernment fixed and mobile services in the band 30-40 Mc.

³ Subject to interference from radiations emitted by Scientific, Medical and Industrial stations.

⁴ Subject to change when the Commission announces its new frequency service-allocation to the nongovernment fixed and mobile services in the band 152-162 Mc.

(b) The following frequencies are allocated for assignment to class 3 experimental stations:

2398 Kc	31140 Kc
3492.5 Kc	Above 30,000,000 Kc

(c) Class 1 experimental stations may be authorized on frequencies other than those listed in paragraphs (a) and (b) of this section, except for frequencies allocated to the amateur service and except for those frequencies the use of which in the opinion of the Commission

might result in interference to stations engaged in safety or emergency communications provided:

(1) The need for the other frequencies is fully stated by the applicant.

(2) A satisfactory showing is made that the frequencies assigned for use by the experimental service are unsuitable for the proposed experimental program.

(3) No interference will be caused to the stations regularly assigned the frequencies requested.

(d) In addition to the frequencies listed in paragraphs (a) and (b) of this section, Class 2 experimental stations may be authorized on nongovernment frequencies allocated to that service in which the experimental station is to operate or allocated for use by a proposed new service in which the experimental station is to operate.

(e) In any case where there is a possibility of interference with the regular service of existing licensees on the frequencies sought to be used experimentally, the applicant may submit a statement from the licensees of stations on such frequency, or in the case of a frequency on which transmissions are received in the United States, a statement from the person receiving signals on that frequency, that no interference will be caused by the experimental use of the frequency as requested which will adversely affect the use of the frequency by such licensee.

§ 5.22 *Tolerance.* (a) The operating frequency of the experimental stations shall be maintained within plus or minus the percentage of the assigned frequency as given in Table I, unless otherwise specified by the Commission.

TABLE I

Experimental frequencies within the range:	Frequency tolerance (percent)
1614-450,000 kilocycles.....	0.01
450,000 kilocycles and above.....	.05

(b) The frequency of a Class 2 experimental station, operating on frequencies not allocated specifically for experimental stations shall be maintained in accordance with the rules and regulations governing the service regularly assigned the frequency in the event such tolerance is less than specified in Table I.

(c) Less restrictive tolerances than that specified in paragraph (a) of this section may be authorized for experimental stations: *Provided*, The applicant presents satisfactory evidence that the program of research can and will be conducted without causing interference to any other radio service.

The Commission also amended, effective immediately § 5.26 to read as follows:

§ 5.26 *Licensed operator requirements.* (a) A licensed operator shall be on duty and in charge of the transmitter during all transmissions in the case of radio-telegraph stations employing manual operation and in all other cases except:

(1) Stations operated by remote control in accordance with § 2.53 of the

Commission's general rules and regulations.

(2) Portable or mobile stations operating on frequency above 25 megacycles.

(3) Portable and mobile stations operating on frequencies below 25 megacycles the operation of which is subject to control by a licensed operator of an associated land station operated by the same licensee.

(4) Stations for which the terms of the instrument of authorization permit operation otherwise.

(b) Any needed adjustments of the transmitter that may affect the proper operation of the station must be regularly made by or in the presence of an operator holding a first or second class license, either telephone or telegraph, who shall be responsible for the proper operation of the equipment.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-14412; Filed, Aug. 16, 1946;
2:20 p. m.]

PART 12—AMATEUR RADIO SERVICE

TRANSMISSION OF CALL SIGNALS

The Commission in meeting on August 7, 1946, adopted paragraph (e) of § 12.82 *transmission of call signals*, effective immediately, to read as follows:

§ 12.82 *Transmission of call signals.*

(e) In addition to complying with the requirements of paragraph (a) of this section, an operator of an amateur station operated as a mobile station aboard a vessel on the high seas, or aboard an aircraft en route in an international voyage, shall, when the vessel or aircraft is outside the 10 call areas prescribed by the Commission in § 12.81 (b), comply with the following ceiling procedure:

(1) *Mobile operations aboard a vessel.*

(i) When using telegraphy the amateur operator shall transmit immediately after the call of the station the fraction bar DN followed by the designator MM to indicate that the station is being operated as a mobile station aboard a vessel. In addition, the name of the vessel and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off. If the vessel does not have a name, the number of the vessel shall be transmitted in lieu of the name of the vessel.

(ii) When using telephony the call of the station shall be preceded by the words "this is", or the word "from" followed by the words "maritime mobile", to indicate that the station is being operated as a mobile station aboard a vessel. In addition the name of the vessel and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off. If the vessel does not have a name, the number of the vessel shall be transmitted in lieu of the name of the vessel.

(2) *Mobile operations aboard aircraft.*

(i) When using telegraphy the amateur operator shall transmit immediately after the call of the station the fraction bar DN followed by the designator AN to indicate that the station is being operated as a mobile station aboard an aircraft. In addition, the number of the aircraft and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off.

(ii) When using telephony the call of the station shall be preceded by the words "this is", or the word "from" followed by the words "aeronautical mobile", to indicate that the station is being operated as a mobile station aboard an aircraft. In addition, the number of the aircraft and its approximate geographical location shall be transmitted at the end of each transmission immediately prior to signing off.

(Sec. 4 (i), 48 Stat. 1082; sec. 303 (f), 48 Stat. 1082; 47 U.S.C. 154 (i), 303 (f))

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-14410; Filed, Aug. 16, 1946;
2:20 p. m.]

PART 12—AMATEUR RADIO SERVICE

MISCELLANEOUS AMENDMENTS

The Commission in meeting on August 7, 1946, amended in part, effective immediately, § 12.47 *Examination procedure* to read as follows:

§ 12.47 *Examination procedure.* When taking an examination for amateur operator license, or for additional amateur operating privileges, the applicant shall write in longhand, by means of pen and ink. Diagram shall be drawn either with pen and ink or with pencil; code tests shall be written or hand printed with either pen and ink or with pencil. Applicants unable to comply with these requirements, because of physical disability, may dictate their answers to examination questions, and if unable to draw required diagrams, may dictate a detailed description essentially equivalent. If the examination or any part thereof is dictated, the examiner shall certify the nature of the applicant's disability and the name and address of the person(s) taking and transcribing the applicant's dictation.

The Commission also adopted subparagraph (5) of § 12.81 (a) *Assignment of call signal*, effective immediately, to read as follows:

§ 12.81 *Assignment of call signal* (a)

(5) An unassigned two-letter call (a call having two letters following the numeral) may be assigned to a previous holder of a two-letter call.

The Commission amended paragraph (d) of § 12.82, effective immediately, to read as follows:

§ 12.82 *Transmissions of call signals.*

(d) When using telephony, phonetic aids to identify the call of the station may be employed.

(Sec 4 (i), 48 Stat. 1082; sec. 303 (f), 48 Stat. 1082; 47 U. S. C. 154 (i), 303 (f))

By the Commission,

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 46-14411; Filed, Aug. 16, 1946;
2:20 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[4th Rev. S.O. 104, Amdt. 2]

PART 95—CAR SERVICE

SUBSTITUTION OF REFRIGERATOR FOR BOX CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of August A. D. 1946.

Upon further consideration of Fourth Revised Service Order No. 104 (11 F.R. 2189), as amended (11 F.R. 3952), and good cause appearing therefor: *It is ordered, That:*

Fourth Revised Service Order No. 104, as amended, be and it is hereby, further amended by substituting the following paragraph (e) in lieu of paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p. m., February 21, 1947, unless otherwise modified, changed, suspended, or annulled by order of the Commission (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this amendment shall become effective at 12:01 a. m., August 21, 1946; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 46-14480; Filed, Aug. 19, 1946;
11:29 a. m.]

[Rev. S. O. 105, Amdt. 1]

PART 95—CAR SERVICE

BACKHAULING COMPANY MATERIAL PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 16th day of August A. D. 1946.

Upon further consideration of the provisions of Revised Service Order No. 105, and good cause appearing therefor: *It is ordered, That:*

Revised Service Order No. 105 (11 F.R. 8286) be, and it is hereby, amended by adding the following paragraph (f) thereto:

(f) *Special and general permits.* The provisions of this order shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet specific needs or exceptional circumstances.

It is further ordered, That this amendment shall become effective at 6:00 p. m., August 16, 1946; that a copy of this order and direction shall be served upon all State railroad regulatory bodies, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 46-14481; Filed, Aug. 19, 1946;
11:29 a. m.]

Subchapter D—Freight Forwarders

PART 450—RECORDS OF FREIGHT FORWARDERS

DESTRUCTION OF RECORDS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 8th day of August A. D. 1946.

The matter of "Regulations to Govern the Destruction of Records of Freight Forwarders, issue of 1943," being under consideration by the division, pursuant to authority of section 412 (c) of the Interstate Commerce Act, and certain modifications of those regulations, which are attached hereto and made a part hereof, being found necessary for administration of part IV of the act: *it is ordered that:*

1. *Regulations modified.* All freight forwarders subject to the provisions of the Interstate Commerce Act, and every trustee, receiver, executor, administrator, or assignee of any such freight forwarder, shall comply with the "Regulations to Govern the Destruction of Records of Freight Forwarders, issue of 1943," as hereby modified and amended;

Modifications of the Regulations to Govern the Destruction of Records of Freight Forwarders, Issue of 1943

1. In § 450.1 *Authority to destroy certain records* add the following sentence to the text of this section: "These regulations do not exempt freight forwarders from compliance with any other statutory requirements for the preservation of accounts, records, and memoranda for longer periods than those herein specified."

2. In § 450.2 *Preservation of other records; special permission to destroy* designate the present text paragraph (a) and add the following:

(b) *Photographic copies.* Freight forwarders may be granted authority to preserve photographic copies of certain records in lieu of original records or other copies thereof. Application for authority shall be filed in the form of a letter which shall describe the particular records intended to be preserved by this method and the process to be used.

3. In § 450.3 *Officer having supervision of destruction* add the following sentence successively to both paragraph (a) and paragraph (b) of this section: "A copy of the instrument designating such officer or officers shall be filed promptly with the Commission before the destruction of accounts, records, and memoranda."

4. In § 450.11 *List of accounts, records, and memoranda, and periods of retention* for the items listed below, substitute the periods of retention shown below for the periods prescribed in the regulations:

Item	Description of accounts, etc.	Revised period to be retained
3 (d)	Records of interest coupons paid and unpaid.	3 years.
4 (e)	Ballots cast and tabulations of vote.	6 years.
4 (f)	Judges' reports of election results.	6 years.
10 (a)	Journal vouchers, journal entries, department bills, and supporting papers, except as provided in item 30.	Permanent.
11	Records summarizing the results of nontransportation operations for entry in general books.	Permanent.
14	Copies of schedules and returns to taxing authorities for tax purposes; records of appeals, tax bills, and statements.	Permanent.
19 (a)	General office records or ledgers of agents' accounts showing debits and credits from various sources.	6 years.
26 (a)	Pay rolls, including evidence and description of service performed, except as provided in item 30.	Permanent.
28 (b)	Paid drafts, paid checks, and receipts for cash paid out, except as provided in item 32 (c).	10 years.
28 (c)	All vouchers or accounts payable and supporting papers.	10 years.
32 (b)	Records showing the details of authorities issued to agents and others for participation in freight claims.	6 years.
35	Authorities for the disposal of unclaimed, damaged, and refused freight.	3 years.
45	Agents' balance sheets and supporting papers.	6 years.

2. *Effective date.* This order shall become effective October 1, 1946; and

3. *Notice.* A copy of this order and of the modifications which are made a part hereof, shall be served upon every freight forwarder, and notice of this order shall every trustee, receiver, executor, administrator, and assignee of any such freight forwarder and notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission, Division 1.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 46-14353; Filed, Aug. 16, 1946;
11:26 a. m.]

Chapter II—Office of Defense Transportation

[Rev. Gen. Order ODT 1, Amdt. 2]

PART 500—CONSERVATION OF RAIL EQUIPMENT

MERCHANDISE TRAFFIC

Pursuant to Title III of Second War Powers Act, 1942, as amended, Executive Order 8989, as amended, and Executive Order 9729, § 500.4 of General Order ODT 1, Revised (11 F.R. 8228), is hereby amended to read as follows:

§ 500.4 *Exemptions.* The provisions of §§ 500.3, 500.5, 500.6, and 500.7 shall not apply to:

(a) A car loaded to its full visible capacity;

(b) A car used as a "peddler", "pick-up", or "way" car;

(c) A car used as a "trap" or "ferry" car where the use of such car is necessary to relieve a carrier's freight house or transfer facilities because of inability of the carrier to obtain other means of transportation for the merchandise contained in such car;

(d) A car consisting of explosives or other dangerous articles as defined, listed in and transported under "Regulations for Transportation of Explosives and Other Dangerous Articles" in Agent H. A. Campbell's Tariff I. C. C. No. 4, supplements thereto or reissues thereof; and

(e) A car forwarded on a scheduled sailing date as a part of an established regularly scheduled merchandise car line, when during the calendar month preceding the calendar month in which such car is forwarded, the total weight of merchandise loaded in all cars of such car line produced an average weight of not less than 20,000 pounds per car.

This Amendment 2 to General Order ODT 1, Revised, shall become effective on August 21, 1946, and shall cancel and supersede Amendment 1 to General Order ODT 1, Revised, as of midnight August 20, 1946.

(Title III, Second War Powers Act, 1942, as amended, 56 Stat. 177, 50 U.S.C. App. 633, 58 Stat. 827, 59 Stat. 658, Public Law 475, 79th Congress; E.O. 8989, as amended, 6 F.R. 6725, 8 F.R. 14183; E.O. 9729, 11 F.R. 5641)

Issued at Washington, D. C., this 19th day of August 1946.

J. M. JOHNSON,
Director,

Office of Defense Transportation.

[F. R. Doc. 46-14486; Filed, Aug. 19, 1946; 11:58 a. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service, Department of the Interior

PART 12—ADMINISTRATION OF NATIONAL WILDLIFE REFUGES; GENERAL REGULATIONS

§ 12.30 *Routes of travel through refuges.* Whenever fishing, hunting, or other use of any refuge area is permitted persons entering the refuge for these purposes shall follow such routes of

travel as are designated by the officer in charge or by appropriate posting.

§ 12.31 *Permits.* Permits for the economic utilization of refuge resources and private operations on refuge lands may be issued by all refuge managers upon such terms and at such rates of charge, if any, as may be determined by the Director or the regional director, to be commensurate with the value granted, having due regard to prevailing market prices in the vicinity.

CLARENCE COTTAM,
Acting Director.

August 14, 1946.

[F. R. Doc. 46-14408; Filed, Aug. 16, 1946; 1:23 p. m.]

PART 26—EAST CENTRAL REGION NATIONAL WILDLIFE REFUGES

NECEDAH NATIONAL WILDLIFE REFUGE, WISCONSIN; HUNTING OF DEER

AUGUST 13, 1946.

Under authority of section 84 of the act of March 4, 1909 (35 Stat. 1104; 18 U.S.C. 145), as amended, and § 12.9 of the Regulations for the Administration of National Wildlife Refuges dated December 19, 1940 (5 F.R. 5284), as amended, the following is hereby ordered:

Supersedes § 26.678b approved May 28, 1945 (10 F.R. 6520).

§ 26.678a *Necedah National Wildlife Refuge, Wisconsin; hunting of deer.* Deer may be taken during the open season prescribed by the State Conservation Department for the hunting of deer, on all of the lands of the Necedah National Wildlife Refuge, Wisconsin, except the following:

W½ and that part of SE¼ west of Parham Ditch in Sec. 4; all north and east of the Grand Dike Road in Secs. 5, 6, 7, 8, and 9; all west of Parham Ditch and north of the Grand Dike Road in Secs. 10, 15 and 16; T. 18 N., R. 3 E., all Secs. 25 and 36; T. 19 N., R. 2 E., and that part of S½ west of Danielson Lateral Ditch in Sec. 6; all that part of N½ west of Danielson Lateral Ditch in Sec. 7; all south and west of road locally known as the "Speedway" in Secs. 27, 28, 29, 30, 31, 32, 33, and 34; T. 19 N., R. 3 E., Fourth Principal Meridian.

Entry on and use of the refuge for any purpose is covered by the regulations for the Administration of National Wildlife Refuges dated December 19, 1940 (5 F.R. 5284), as amended, and strict compliance therewith is required. Hunters must follow such routes of travel within the refuge as are designated by posting. In addition all hunters must comply with State hunting laws and regulations and must have on their person and exhibit at the request of any authorized Federal or State officer whatever license or licenses as may be required by such laws and regulations which said license shall serve as a Federal permit for hunting deer on the refuge.

CLARENCE COTTAM,
Acting Director.

[F. R. Doc. 46-14424; Filed, Aug. 16, 1946; 4:48 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Land Management.

[Misc. 1936953]

IDAHO

RESTORATION ORDER NO. 1187 UNDER FEDERAL POWER ACT

AUGUST 13, 1946.

By Departmental orders of December 19, 1933, and October 11, 1937, creating Power Site Classifications Nos. 280 and 303, respectively, and upon the filing of applications for Power Projects Nos. 863, 1052, 1176, and 1857, the following described lands were withdrawn for power purposes:

BOISE MERIDIAN

T. 18 N., R. 9 E.,
Sec. 2, lot 4, SW¼NW¼, N½SW¼, and SW¼SW¼;
Sec. 3, lots 1 and 2, S½NE¼, N½SE¼, and SE¼SE¼;
Sec. 10, lot 2, E½NE¼, and NE¼SE¼;
Sec. 11, W½;
Sec. 14, NW¼;
Sec. 15, lots 1, 4, 5, and 6, and SW¼SE¼;
Sec. 22, NW¼NE¼, S½NE¼, and N½SE¼.
T. 19 N., R. 9 E.,
Sec. 27, S½SW¼;
Sec. 28, SW¼NE¼, S½NW¼, SE¼, and E½SW¼;
Sec. 23, NE¼NE¼;
Sec. 34, lots 1, 2, 3, and 4, SW¼NE¼, NW¼, NE¼SE¼, NW¼SW¼, and SE¼SW¼.

The area described aggregates 2,348.80 acres.

Pursuant to the determination of the Federal Power Commission (DA-377, Idaho) and in accordance with Departmental Order No. 1799 of March 19, 1943, 8 F.R. 3743, the above described lands, exclusive of any patented mining claims, are hereby opened to application, location, entry, or selection under the United States mining laws only, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 838, 846, 16 U. S. C. sec. 818), and subject to a reservation of the United States or its licensees or permittees of the prior right to use any and all of the lands occupied by Power Projects Nos. 1052, 1176, and 1857.

This order shall not become effective to change the status of the lands until 10:00 a. m. on October 15, 1946, at which time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to disposition under the United States mining laws only, as above provided.

FRED W. JOHNSON,
Acting Director.

[F. R. Doc. 46-14448; Filed, Aug. 19, 1946; 10:06 a. m.]

[Misc. 1994675]

CALIFORNIA

RESTORATION ORDER NO. 1173 UNDER FEDERAL POWER ACT

AUGUST 9, 1946.

By Executive order of October 28, 1911, creating Power Site Reserve No. 217, the

following described lands were withdrawn for power purposes:

MOUNT DIABLO MERIDIAN

T. 21 N., R. 12 W.,
Sec. 3, N $\frac{1}{2}$ SW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 10, N $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 11, NW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$.

The area described contains 400 acres. The land in sec. 3 varies from high and rolling to rocky in character, with a soil described as third rate. The land in sec. 10 is broken and mountainous, and the land in sec. 11 is rough and mountainous, with a second-rate soil. The Middle Fork Eel River flows southwesterly through these sections, and there are many streams in the area.

Pursuant to the determination of the Federal Power Commission (DA-624, California) and in accordance with Departmental Order No. 1799 of March 19, 1943, 8 F.R. 3743, the above described lands are hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 838, 846, 16 U.S.C. sec. 818).

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on October 11, 1946. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 11, 1946, to Jan. 10, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U.S.C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U.S.C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 20, 1946, to October 10, 1946, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on October 11, 1946, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on January 13, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous nonpreference right filings.* Applications by the general pub-

lic may be presented during the 20-day period from December 24, 1946, to January 12, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on January 13, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Sacramento, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Sacramento, California.

FRED W. JOHNSON,
Acting Director.

[F. R. Doc. 46-14449; Filed, Aug. 19, 1946;
10:06 a. m.]

[Misc. 2017387]

IDAHO

RESTORATION ORDER NO. 1182 UNDER FEDERAL
POWER ACT

AUGUST 13, 1946.

By Departmental order of January 12, 1943, creating Power Site Classification No. 336, the following described land was withdrawn for power purposes:

BOISE MERIDIAN

T. 12 N., R. 19 E., Sec. 19, W $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$.

The area described contains 120 acres. The land is located in Custer County and is accessible by the Old Bay Horse road and U. S. Highway No. 93 which intersect on the tract. The land is level to rolling and slopes to the west at elevations from 5,300 to 5,500 feet above sea level. The Snake River is about one quarter of a mile to the west.

Pursuant to the determination of the Federal Power Commission (DA-380, Idaho) and in accordance with Departmental Order No. 1799 of March 19, 1943, 8 F.R. 3743, the above described land is hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 838, 846, 16 U.S.C. sec. 818).

This order shall become effective immediately as to the administration of the land for grazing use.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on October 15, 1946. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 15, 1946, to January 13, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U.S.C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U.S.C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 25, 1946, to October 14, 1946, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on October 15, 1946, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public land laws.* Commencing at 10:00 a. m. on January 14, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from December 25, 1946, to January 13, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on January 14, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Blackfoot, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regu-

lations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Blackfoot, Idaho.

FRED W. JOHNSON,
Acting Director.

[F. R. Doc. 46-14447; Filed, Aug. 19, 1946;
10:06 a. m.]

[Misc. 2019680]

IDAHO

RESTORATION ORDER NO. 1183 UNDER FEDERAL
POWER ACT

AUGUST 9, 1946.

By Departmental order of January 12, 1943, creating Power Site Classification No. 336, the following described land was withdrawn for power purposes:

BOISE MERIDIAN

T. 12 N., R. 19 E., sec. 19, NE $\frac{1}{4}$ SW $\frac{1}{4}$.

The area described contains 40 acres. The land is located in Custer County, and is about one eighth of a mile east of Snake River. It is crossed by Highway No. 92, and its contour is level to sloping at an elevation of approximately 5,300 feet above sea level.

Pursuant to the determination of the Federal Power Commissioner (DA-376, Idaho) and in accordance with Departmental Order No. 1799 of March 19, 1943, 8 F.R. 3743, the above described land is hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 838, 846, 16 U.S.C. sec. 818).

This order shall become effective immediately as to the administration of the land for grazing use.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on October 11, 1946. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 11, 1946 to January 10, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U.S.C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U.S.C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confir-

mation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 20, 1946, to October 10, 1946, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on October 11, 1946, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on January 13, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from December 24, 1946, to January 12, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on January 13, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Blackfoot, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Blackfoot, Idaho.

FRED W. JOHNSON,
Acting Director.

[F. R. Doc. 46-14450; Filed, Aug. 19, 1946;
10:06 a. m.]

[Misc. 2088315]

IDAHO

RESTORATION ORDER NO. 1198 UNDER FEDERAL
POWER ACT

AUGUST 9, 1946.

By Executive order of July 2, 1910, creating Power Site Reserve No. 77, the following described land was withdrawn for power purposes:

BOISE MERIDIAN

T. 6 S., R. 12 E., sec. 12, lot 5.

The area described contains 38.08 acres. The land fronts along the Snake River in Gooding County. It varies in topography from rough, broken, and stony land to lower poorly-drained land. The soils range from rough and stony to sandy loam, and include Ephrada sandy loam, Goose Creek fine sandy loam dark colored phase, Sagemoor light-textured phase silt clay loam, and the other rough stony soils.

Pursuant to the determination of the Federal Power Commission (DA-383, Idaho) and in accordance with Departmental Order No. 1799 of March 19, 1943, 8 F.R. 3743, the above described land is hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 838, 846, 16 U.S.C. sec. 818).

This order shall become effective immediately as to the administration of the land for grazing use.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on October 11, 1946. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 11, 1946 to January 10, 1947 inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U.S.C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (53 Stat. 747, 43 U.S.C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 20, 1946 to October 10, 1946, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on October 11, 1946, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on January 13, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period

from December 24, 1946 to January 12, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on January 13, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Blackfoot, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Blackfoot, Idaho.

FRED W. JOHNSON,
Acting Director.

[F. R. Doc. 46-14451; Filed, Aug. 19, 1946;
10:07 a. m.]

[Misc. 2091538]

IDAHO

RESTORATION ORDER NO. 1199 UNDER FEDERAL POWER ACT

AUGUST 9, 1946.

By Executive order of July 2, 1910, creating Power Site Reserve No. 8, the following described land was withdrawn for power purposes:

BOISE MERIDIAN

T. 17 N., R. 21 E., sec. 20, lots 4 and 5.

The area described contains 49.52 acres. The land fronts on the Salmon River and is crossed by a road running in a generally northwest-southeast direction. It ranges in character from rough and rocky to river-bottom land, and the soil varies from a gravelly rocky loam to other second, third, and fourth-rate types.

Pursuant to the determination of the Federal Power Commission (DA-382, Idaho) and in accordance with Departmental Order No. 1799 of March 19, 1943, 8 F. R. 3743, the above described land is hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1063), as amended by the act of August 26, 1935 (49 Stat. 838, 846, 16 U. S. C. sec. 818).

This order shall become effective immediately as to the administration of the land for grazing use.

No. 162—6

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on October 11, 1946. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from October 11, 1946, to January 10, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U.S.C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U.S.C. secs. 279-283), subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from September 20, 1946, to October 10, 1946, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on October 11, 1946, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on January 13, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from December 24, 1946, to January 12, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on January 13, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Blackfoot, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of

the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Blackfoot, Idaho.

FRED W. JOHNSON,
Acting Director.

[F. R. Doc. 46-14452; Filed, Aug. 19, 1946;
10:07 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order 1113]

ALLOCATION OF FUNDS FOR LOANS

JULY 31, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Michigan 40R Allegan.....	\$125,000
Minnesota 18T Douglas.....	575,000
Minnesota 87E Marshall.....	400,000
Missouri 20P Marion.....	78,000
Missouri 37L Bates.....	140,000
South Dakota 26A Gregory.....	500,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 46-14457; Filed, Aug. 19, 1946;
11:16 a. m.]

[Administrative Order 1115]

ALLOCATION OF FUNDS FOR LOANS

AUGUST 1, 1946.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Florida 25G Lee.....	\$50,000
Michigan 28S Presque Isle.....	12,000
Minnesota 75E Red Lake.....	415,000
Minnesota 82H Becker.....	480,000
Missouri 31K Mississippi.....	300,000
Nebraska 82B Furnas.....	438,000
Texas 119D Kimble.....	300,000

[SEAL] WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 46-14458; Filed, Aug. 19, 1946;
11:16 a. m.]

FEDERAL POWER COMMISSION.

[Project No. 1892]

BELLOWS FALLS HYDRO-ELECTRIC CORP.

ORDER FIXING PLACE OF HEARING

AUGUST 15, 1946.

The Commission orders that:

The hearing described by the Commission's order of August 13 on the appli-

cation of Bellows Falls Hydro-Electric Corporation for amendment of license for the Wilder project is hereby fixed to start at 10 o'clock a. m., Monday, September 9, 1946, in the Federal Court Room, Federal Building, in Windsor, Vermont.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-14482; Filed, Aug. 19, 1946;
11:33 a. m.]

[Docket Nos. G-200 and G-207]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

ORDER AMENDING AND SUPPLEMENTING PREVIOUS ORDER AND POSTPONING DATE OF HEARING

AUGUST 15, 1946.

City of Detroit, Michigan, and County of Wayne, Michigan, v. Panhandle Eastern Pipe Line Company and Michigan Gas Transmission Corporation Docket No. G-200.

In the matter of Panhandle Eastern Pipe Line Company, Michigan Gas Transmission Corporation and Illinois Natural Gas Company Docket No. G-207.

Upon further consideration of the Order Fixing Date of Hearing entered August 6, 1946, which provides as follows:

(A) A public hearing be held commencing on September 16, 1946, at 10 o'clock a. m. (EST) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue N. W., Washington, D. C., concerning all matters relating to (1) the reasonableness and adequacy of terms and conditions of service embodied in presently effective rate schedules filed by Panhandle with the Federal Power Commission, and (2) proposed changes or additions to existing practices relating to such service which may be necessary or desirable in order that terms and conditions of service, including rules and regulations relating to curtailment and interruption of gas service, may be clearly stated in existing rate schedules and conform fully with the requirements of the Natural Gas Act.

(B) Panhandle shall, not later than September 6, 1946, serve upon its customers, as well as upon state regulatory commissions in the states through which it operates, and file with the Federal Power Commission five copies of all changes, which it deems desirable, in the terms and conditions of service embodied in its presently effective rate schedules on file with the Federal Power Commission. At the same time Panhandle shall file and serve, in the same manner as provided above, proposed rules and regulations to govern curtailment and interruption of gas service.

(C) Changes in existing terms and conditions of service deemed desirable and recommended, as well as proposed rules and regulations relating to curtailment or interruption of gas service, recommended by state commissions, customers of Panhandle, or other interested parties, shall be filed with the Commission and served upon Panhandle not later than September 6, 1946.

(D) All parties may submit written responses to the proposals and recommendations of any other parties prior to or at the opening session of the hearing on September 16, 1946.

The Commission finds that:

(A) It is appropriate and desirable in the public interest that the Commission's order of August 6, 1946, be amended and supplemented so as to require (1) Panhandle Eastern Pipe Line Company to show at the public hearing that the taking on and serving new direct industrial customers, while at the same time refusing to serve additional quantities of natural gas to interstate wholesale customers, for resale for ultimate public consumption is not unduly discriminatory against resale customers, preferential or otherwise unlawful and in violation of the provisions of the Natural Gas Act; (2) Panhandle Eastern Pipe Line Company to file and serve simultaneously with the filing of proposals and recommendations referred to in paragraph (B) hereof information and data with respect to standby facilities maintained by each of its direct industrial customers capable of operation during periods of interruption or curtailment of natural-gas service, and the capacity thereof in relation to normal consumption of natural gas; and (3) each interstate wholesale customer of Panhandle Eastern Pipe Line Company submitting proposals and recommendations in accordance with paragraph (C) hereof simultaneously with the filing thereof shall submit information and data with respect to standby facilities maintained by each industrial consumer served, capable of operation during periods of interruption or curtailment of natural-gas service, and the capacity thereof in relation to normal consumption of natural gas.

(B) It is appropriate and desirable in the public interest that the hearing in these proceedings be postponed from September 16, 1946, to October 14, 1946, and the Commission's order of August 6, 1946, otherwise be amended and supplemented as hereinafter ordered.

Wherefore, It is ordered, That:

(A) Paragraph (A) of the Commission's order of August 6, 1946, be amended and supplemented to read as follows:

(A) A public hearing be held commencing on October 14, 1946, at 10 o'clock a. m. (e.s.t.) in the hearing room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning all matters relating to (1) the reasonableness and adequacy of terms and conditions of service embodied in presently effective rate schedules filed by Panhandle with the Federal Power Commission, (2) proposed changes or additions to existing practices relating to such service which may be necessary or desirable in order that terms and conditions of service, including rules and regulations relating to curtailment and interruption of gas service, may be clearly stated in existing rate schedules and conform fully with the requirements of the Natural Gas Act, and at such public hearing, (3) Panhandle shall show that the taking on and serving new direct

industrial customs, while at the same time refusing to serve additional quantities of natural gas to interstate wholesale customers, for resale for ultimate public consumption is not unduly discriminatory against resale customers, preferential or otherwise unlawful and in violation of the provisions of the Natural Gas Act.

(B) Paragraph (B) of the Commission's order of August 6, 1946, be amended and supplemented to read as follows:

(B) Panhandle shall, not later than September 13, 1946, serve upon its customer, as well as upon state regulatory commissions in the states through which it operates, and file with the Federal Power Commission five copies of all changes, which it deems desirable, in the terms and conditions of service embodied in its presently effective rate schedules on file with the Federal Power Commission. At the same time Panhandle shall file and serve, in the same manner as provided above, proposed rules and regulations to govern curtailment and interruption of gas service, together with information and data with respect to standby facilities maintained by each of its direct industrial customers, capable of operation during periods of interruption of natural-gas service, and the capacity thereof in relation to normal consumption of natural gas.

(C) Paragraph (C) of the Commission's order of August 6, 1946, be amended and supplemented to read as follows:

(C) Changes in existing terms and conditions of service deemed desirable and recommended, as well as proposed rules and regulations relating to curtailment or interruption of gas service, recommended by state commission, customers of Panhandle, or other interested parties, shall be filed with the Commission and served upon Panhandle not later than September 23, 1946. At the same time each interstate wholesale customer of Panhandle submitting proposals or recommendations shall file and serve, in the same manner as provided above, information and data with respect to standby facilities maintained by each industrial consumer served, capable of operation during periods of interruption or curtailment of natural-gas service, and the capacity thereof in relation to normal consumption of natural gas.

(D) Paragraph (D) of the Commission's order of August 6, 1946, be amended and supplemented to read as follows:

(D) All parties may submit written responses to the proposals and recommendations of any other parties on or before October 3, 1946.

(E) Interested state commissions may participate in these proceedings as provided in § 67.4 of the provisional rules of practice and regulations under The Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 46-14483; Filed, Aug. 19, 1946;
11:33 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 5422]

ARDEN JEWELRY MFG. CO., INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of August A. D. 1946.

In the matter of Arden Jewelry Manufacturing Company, Inc., a corporation, and Fred Abrams and Leo Weiner, individually and as officers of said corporation.

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence in this proceeding begin on Thursday, September 5, 1946, at ten o'clock in the forenoon of that day (eastern standard time), in Room 308, Main Post Office Building, Providence, Rhode Island.

Upon the completion of the taking of testimony and the receipt of evidence on behalf of the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the facts; conclusions of facts; conclusions of law; and recommendation for appropriate action by the Commission.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 46-14456; Filed, Aug. 19, 1946;
11:13 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 6816]

HERMS & CO.

In re: Stocks owned by and debts owing to Herms & Co. (formerly H. A. Jonas Soehne & Co.).

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Herms & Co. (formerly H. A. Jonas Soehne & Co.), the last known address of which is 26-28 Neuerwall, Hamburg, Germany, is a limited partnership organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8339, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Nine thousand five hundred forty-seven (9,547) shares of \$0.05 par value capital stock of Goldfield Deep Mines Company, Goldfield, Nevada, a corporation organized under the laws of the State of Nevada, evidenced by the stock certificates, all assigned in blank, set forth in Exhibit A, attached hereto and by reference made a part hereof, and registered in the name of H. A. Jonas Soehne & Co., in the amounts appearing opposite each certificate number listed in Exhibit A, together with all declared and unpaid dividends thereon, which property was held by Robert C. Mayer and Company, 50 Broadway, New York, New York, and was property payable or deliverable to or claimed by a national of a designated enemy country (Germany), namely Herms & Co. (formerly H. A. Jonas Soehne & Co.), and is now in the possession of the Alien Property Custodian,

b. Forty-five (45) shares of no par value capital stock of Phillips Petroleum Company, 80 Broadway, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by stock certificate number 0400874, dated September 7, 1938, registered in the name of Otto A. Berwald, and assigned in blank, together with all declared and unpaid dividends thereon, which property was held by Robert C. Mayer and Company, 50 Broadway, New York, New York, and was property payable or deliverable to or claimed by a national of a designated enemy country (Germany), namely Herms & Co. (formerly H. A. Jonas Soehne & Co.), and is now in the possession of the Alien Property Custodian,

c. Twenty-five (25) shares of no par value capital stock of Phillips Petroleum Company, 80 Broadway, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by stock certificate number 0136718, dated April 9, 1936, registered in the name of Frank Hoffenblatt and assigned in blank, together with all declared and unpaid dividends thereon, which property was held by Robert C. Mayer and Company, 50 Broadway, New York, New York, and was property payable or deliverable to or claimed by a national of a designated enemy country (Germany), namely Herms & Co. (formerly H. A. Jonas Soehne & Co.), and is now in the possession of the Alien Property Custodian,

d. Two hundred (200) shares of no par value capital stock of Kerr Lake Mines, Ltd., 61 Broadway, New York, New York, a corporation organized under the laws of the Province of Ontario, Canada evidenced by certificates numbered NY 16484 and NY 16485 for one hundred (100) shares each, dated May 15, 1933, and registered in the name of H. A. Jonas Soehne & Co., together with all declared and unpaid dividends thereon,

e. Those certain debts or other obligations in the total amount of \$210 which were owing to Herms & Co. (formerly H. A. Jonas Soehne & Co.) by the Phillips Petroleum Company, 80 Broadway, New York, New York, which amount was deposited in the Alien Property Custodian Collection Fund, Account Number 896027,

in the Federal Reserve Bank, New York, New York, in the form of twelve (12) certain checks issued by the above named Phillips Petroleum Company, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

f. Those two (2) debts or other obligations owing to Herms & Co. (formerly H. A. Jonas Soehne & Co.) by Kerr Lake Mines, Ltd., 61 Broadway, New York, New York, in the amount of \$8.50 each, as of August 20, 1943, as evidenced by two (2) checks, bearing numbers D89-1489 and L90-1463, dated December 17, 1941 and August 20, 1943, respectively, each in the amount of \$8.50, drawn by the above named Kerr Lake Mines, Ltd., on the Bankers Trust Company, New York, New York, and payable to H. A. Jonas Soehne & Co., together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on
June 27, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Stock certificate No.	Number	Date of issue
37502	1,000	Apr. 7, 1925
37503	1,000	Apr. 7, 1925
7504	1,000	Apr. 7, 1925
37505	1,000	Apr. 7, 1925
37507	1,000	Apr. 7, 1925
37508	1,000	Apr. 7, 1925
37509	1,000	Apr. 7, 1925
37510	1,000	Apr. 7, 1925
37511	914	Apr. 7, 1925
46955	550	Nov. 2, 1926
46956	83	Nov. 2, 1926

[F. R. Doc. 46-14332; Filed, Aug. 16, 1946;
9:39 a. m.]

[Vesting Order 6816, Amdt.]

HERMS & Co.

In re: Stocks owned by and debts owing to Herms & Co. (formerly H. A. Jonas Soehne & Co.).

Vesting Order Number 6816, dated June 27, 1946, is hereby amended as follows and not otherwise:

By deleting the number "0136718" in subparagraph 2c of the Vesting Order Number 6816 and substituting therefor the number "0316718".

All other provisions of said Vesting Order Number 6816 and all action taken on behalf of the Alien Property Custodian in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on July 31, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-14333; Filed, Aug. 16, 1946;
9:39 a. m.]

[Vesting Order 7134]

EUGEN GASSMANN

In re: Bank account owned by Eugen Gassmann. F-28-6012-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned after investigation, finding:

1. That Eugene Gassmann, whose last known address is Stuttgart, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of Empire City Savings Bank, 2 Park Avenue, New York 16, New York, arising out of a savings account, Account Number 39,181, entitled Ruth Lewinson in trust for Eugen Gassmann, and any all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on

account of, or owing to, or which is evidence of ownership or control by, Eugen Gassmann, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 16, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-14334; Filed, Aug. 16, 1946;
9:39 a. m.]

[Vesting Order 7135]

ELIZA STEINKAMP GAUSMANN

In re: Bank account owned by Eliza Steinkamp Gausmann. F-28-13587-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Eliza Steinkamp Gausmann, whose last known address is Germany, is a resident of Germany and a national

of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of The Central Trust Company, Cincinnati 1, Ohio, arising out of a savings account, Account Number 68861, entitled Nippert & Nippert Attys in fact for Eliza Steinkamp Gausmann, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Eliza Steinkamp Gausmann, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 16, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-14335; Filed, Aug. 16, 1946;
9:39 a. m.]

[Vesting Order 7136]

SOPHIE BUCHHOLZ GEBHARDT

In re: Bank account owned by Sophie Buchholz Gebhardt. F-28-22967-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Sophie Buchholz Gebhardt, whose last known address is Syke, Bezork Bremen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Sophie Buchholz Gebhardt, by Bank of America National Trust and Savings Association, 300 Montgomery Street, San Francisco, California, arising out of a savings account, Account Number 6747, entitled Sophie Buchholz, Gebhardt, Syke, Bezork, Germany, maintained at the branch office of the aforesaid bank located at Market and New Montgomery Streets, San Francisco, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as

may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 16, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-14336; Filed, Aug. 16, 1946;
9:40 a. m.]

[Vesting Order 7137]

AMALIA GOEVERT

In re: Bank account owned by Amalia Goevert, also known as Frau Heinrich Prues. F-28-22959-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Amalia Goevert, also known as Frau Heinrich Prues, whose last known address is Koeln, a/Rhein, Rheinland, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Amalia Goevert, also known as Frau Heinrich Prues, by The First National Bank, Glencoe, Minnesota, arising out of a checking account, entitled Amalia Goevert alias Frau Heinrich Prues, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by

the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 16, 1946.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-14337; Filed, Aug. 16, 1946;
9:40 a. m.]

[Vesting Order 7138]

JULIA GOEVERT

In re: Bank account owned by Julia Goevert. F-28-22960-E-1.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Julia Goevert, whose last known address is Westfalen, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation owing to Julia Goevert, by The First National Bank, Glencoe, Minnesota, arising out of a checking account, entitled Julia Goevert, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and

certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to constitute an admission by the Alien Property Custodian of the lawfulness of, or acquiescence in, or licensing of, any set-offs, charges or deductions, nor shall it be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on July 16, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-14338; Filed, Aug. 16, 1946;
9:40 a. m.]

[Vesting Order 6355, Amdt.]

ELSE SYBEL

In re: Bank accounts and stock owned by Else Sybel.

Vesting Order Number 6355, dated May 24, 1946, is hereby amended as follows and not otherwise:

By deleting the number "32" in subparagraph 2c of the Vesting Order Number 6355 and substituting therefor the number "13".

All other provisions of said Vesting Order Number 6355 and all action taken on behalf of the Alien Property Custodian in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on July 31, 1946.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 46-14331; Filed, Aug. 16, 1946;
9:39 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Rev. SO 119, Order 324]

DAVIS CABINET CO.

ADJUSTMENT OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 15 and 16 of Revised Supplementary Order No. 119, it is ordered:

(a) *Manufacturer's ceiling prices.* Davis Cabinet Company, 901 South 5th Street, Nashville 6, Tennessee, may compute its adjusted ceiling prices for all articles of bedroom furniture which it manufactures, as follows:

(1) For an article in its line during October 1941, the adjusted ceiling price is the highest price charged during that month to each class of purchaser increased by 42 per cent.

(2) For an article not in its line during October 1941, but which has a properly established ceiling price, in effect before the effective date of this order, the adjusted ceiling price is the article's properly established ceiling price for the particular sale (exclusive of all permitted increases or adjustment charges) increased by the percentage determined in accordance with Note 3 in section 8 of Revised Supplementary Order No. 119.

(3) For an article which is first offered for sale after the effective date of this order, the adjusted ceiling price is the maximum price hereafter properly determined or established in accordance with Maximum Price Regulation No. 188; and prices so fixed may not be increased under this order.

(4) The manufacturer's adjusted ceiling price fixed in accordance with this order is his new ceiling price if it is higher than his previously established ceiling price including all increases and adjustments otherwise authorized for him individually or for his industry.

(b) *Resellers' ceiling prices.* Resellers of an article which the manufacturer has sold at an adjusted ceiling price determined under this order shall determine their maximum prices as follows:

(1) A retailer who must determine his ceiling price under Maximum Price Regulation No. 580, and a wholesaler who must determine his ceiling prices under Maximum Price Regulation No. 590, shall compute their ceiling prices in the manner provided by those regulations. However, if the supplier's invoice states both an "unadjusted maximum price" and a ceiling price, the reseller shall compute his ceiling prices under those regulations as they have been modified by Order No. 4800 under § 1499.159b of Maximum Price Regulation No. 188.

(2) A reseller who determines his maximum resale price under the General Maximum Price Regulation, and whose supplier's invoice states both an "unadjusted maximum price" and a selling price, shall compute his ceiling prices under that regulation as modified by Order No. 4800 under § 1499.159b of Maximum Price Regulation No. 188.

If his supplier's invoice does not state an "unadjusted maximum price," the reseller shall calculate his ceiling price by adding to his invoice cost the same percentage mark-up which he has on the "most comparable article" for which he has a properly established ceiling price. For this purpose, the "most comparable article" is the one which meets all of the following tests:

(i) It belongs to the narrowest trade category which includes the article being priced.

(ii) Both it and the article being priced were purchased from the same class of supplier.

(iii) Both it and the article being priced belong to a class of article to which, according to customary trade practices, an approximately uniform percentage mark-up is applied.

(iv) Its net replacement cost is nearest to the net cost of the article being priced.

The determination of a ceiling price in this way need not be reported to the Office of Price Administration; however, each seller must keep complete records showing all the information called for by OPA Form 820-758 with regard to how he determined his ceiling price, for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

If the maximum resale price cannot be determined under the above method, the reseller shall apply to the Office of Price Administration for the establishment of a ceiling price under § 1499.3 (c) of the General Maximum Price Regulation. Ceiling prices established under that section will reflect the supplier's prices as adjusted in accordance with this order.

(3) The provisions of Supplementary Order No. 153 shall not apply to the determination of ceiling prices for resale of articles covered by this order.

(c) *Terms of sale.* Ceiling prices adjusted by this order are subject to each seller's terms, discounts, and allowances on sales to each class of purchaser in effect during March 1942, or thereafter, properly established under OPA regulations.

(d) *Notification.* At the time of, or prior to the first invoice to a purchaser for resale on and after the effective date of this order, showing prices adjusted in accordance with this order, the seller shall notify the purchaser in writing of the method established in paragraph (b) of this order for determining adjusted maximum prices for resale of the article. This notice may be given in any convenient form.

(e) All requests for adjustment of maximum prices not specifically granted by this order are hereby denied.

(f) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 17, 1946.

Issued this 16th day of August, 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14406; Filed, Aug. 16, 1946;
11:52 a. m.]

[RMPR 136, Order 674]

TIMPTE BROTHERS, INC.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to sections 9, 10 and 11 (c) of Revised Maximum Price Regulation 136, *It is ordered:*

(a) Timppte Brothers, Inc., 40th & York Streets, Denver 5, Colorado, may sell, f. o. b. plant, each Frameless Grain Trailer described in subparagraph (1) below at a price not to exceed those listed in subparagraph (2) below, plus federal excise tax, state and local taxes on the sale or delivery of the trailer and any cost of transporting it to the purchaser.

(1) Description.

Timppte, all steel, frameless, grain, semi-trailer, single axle, dual wheels equipped with 10.00 x 20, 12-ply synthetic tires, vacuum brakes, overall body dimensions: 7' 11 1/2" wide x 22' 0" long x 3' 6" high, and other detailed specifications included in the report filed with this Office.

(2) Prices.

To dealers..... \$1,947.00
To users of 3 or more units..... 2,202.50

(b) Timppte Brothers, Inc., is authorized to suggest to resellers of the trailers described in paragraph (a) (1) consisting of the following:

(1) Suggested resale price, \$2,590.00.

(2) Charges. (i) A charge for transportation, if any, not to exceed the actual rail freight charge from the factory at Denver, Colorado, to the railroad freight receiving station nearest to the place of business of the reseller.

(ii) A charge equal to the charge made by Timppte Brothers, Inc., to cover federal excise taxes.

(iii) A charge equal to reseller's expense for payment of state and local taxes on the purchase, sale or delivery of the trailer.

(c) A reseller of Timppte trailers in any of the territories or possessions of the United States is authorized to sell the trailer described in paragraph (a) at a price not to exceed the price established in paragraph (b) to which it may add a sum equal to the expense incurred or charged to it for payment of territorial and insular taxes, on the purchase, sale or introduction of the trailers; export premiums; boxing and crating for export purposes; marine and war risk insurance; and landing, wharfage and terminal operations.

(d) All requests not granted herein are denied.

(e) This order may be amended or revoked by the Administrator at any time.

NOTE: Where the manufacturer's invoice charge to the reseller is increased or decreased from the previous invoice charge because the manufacturer has a newly established price under section 8 of Revised Maximum Price Regulation 136, due to substantial changes in design, specification or equipment of the trailer, the reseller may add to its price under paragraph (b) the increase in price, plus its customary markup on such a cost increase,

but in case of a decrease in the price, the reseller must reduce its price under paragraph (b) by the amount of the decrease and its customary markup on such an amount.

This order shall become effective August 17, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14400; Filed, Aug. 16, 1946;
11:51 a. m.]

[MPR 188, Order 5142]

KARP INDUSTRIES

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by Karp Industries, 225 W. 12th Street, Los Angeles 15, Calif.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

Article	Model No.	For sales by the manufacturer to—		For sales by any person to consumers
		Jobbers	Retailer	
21 1/2" x 12 1/4" x 4 1/2" lacquered oak or mahogany and glass table lamp.....	R-497-14	Each \$11.08	Each \$13.03	Each \$23.45

These maximum prices are for the articles described in the manufacturer's application dated June 20, 1946.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. Los Angeles, California, 2%, 10 days, net 30 days. The maximum price to consumers is net delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the fourth Pricing Method, § 1499.158, of Maximum Price Regulation 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following state-

ment, with the proper model number and the ceiling price inserted in the blank spaces:

Model Number -----
OPA Retail Ceiling Price—\$-----

Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 17th day of August 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14401; Filed, Aug. 16, 1946;
11:51 a. m.]

[MPR 591 Order 787]

TROOP WATER HEATER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, *It is ordered:*

(a) The maximum prices, excluding Federal Excise Tax, for sales by any person to consumers of the following water heaters manufactured by Troop Water Heater Company of Pittsburgh, Pennsylvania and described in its application dated July 30, 1946 shall be:

50-gallon electric water heater, stone lined tank, double element: 164.00.

(b) The maximum net LCL price f. o. b. point of shipment, excluding Federal Excise Tax, for sales by any person shall be the maximum prices specified in (a) above less the following discounts:

1. On sales to dealers, a discount of 20 percent.

2. On sales to jobbers, successive discounts of 20 and 20 percent.

(c) The maximum prices established by this order are subject to such further cash discounts, transportation allowances and price differentials at least as favorable as those which each seller extended or rendered or would have extended or rendered during March 1942 on sales of commodities in the same general category.

(d) The maximum prices on an installed basis of the commodities covered by this order shall be determined in accordance with Revised Maximum Price Regulation No. 251.

(e) Each seller covered by this order, except on sales to consumers, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the

maximum prices established for purchasers except dealers upon resale.

(f) Troop Water Heater Company shall attach to each water heater covered by this order, a tag containing the following:

OPA Maximum Retail Price Not Installed, Including Actual Federal Excise Tax Paid at Source—\$-----

Do Not Detach

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 17, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14403; Filed, Aug. 16, 1946;
11:52 a. m.]

[MPR 591, Order 788]

FILER WATER SOFTENER CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591; it is ordered:

(a) The maximum prices for sales by any person to consumers of the following water softeners manufactured by Filer Water Softener Company of Downers Grove, Illinois and described in its application dated August 2, 1946 shall be:

Model:

STM-1-30000 grain, single tank softener, multiple valves.....	\$75.00
STM-2-50000 grain, single tank softener, multiple valves.....	95.00
STM-3-70000 grain, single tank softener, multiple valves.....	160.00
BTM-1-30000 grain, double tank softener, multiple valves.....	95.00
BTM-2-50000 grain, double tank softener, multiple valves.....	115.00
BTM-3-70000 grain, double tank softener, multiple valves.....	180.00
SVU-12-30000 grain, double tank softener, solo valve.....	135.00
SVU-14-45000 grain, double tank softener, solo valve.....	150.00
SVU-16-55000 grain, double tank softener, solo valve.....	195.00
SVU-18-70000 grain, double tank softener, solo valve.....	260.00
SVU-20-85000 grain, double tank softener, solo valve.....	345.00

(b) The maximum net LCL prices, f. o. b. point of shipment, for sales by any person shall be the maximum prices specified in (a) above less the following discounts:

1. On sales to a dealer, a discount of 25 percent.
2. On sales to a jobber, successive discounts of 25 and 25 percent.

(c) The maximum prices established by this order are subject to such further cash discounts, transportation allowances and price differentials at least as favorable as those which each seller extended or rendered or would have extended or rendered during March 1942,

on sales of commodities in the same general category.

(d) The maximum prices on an installed basis of the commodities covered by this order shall be determined in accordance with Revised Maximum Price Regulation No. 251.

(e) Each seller covered by this order, except on sales to consumers, shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers except dealers upon resale.

(f) Filer Water Softener Company shall attach to each water softener covered by this order a tag containing the following:

OPA Maximum Retail Price Not Installed—\$-----
(Do Not Detach)

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 17, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14404; Filed, Aug. 16, 1946;
11:52 a. m.]

[MPR 591, Order 789]

WAYNE SPECIALTY CO.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, it is ordered:

(a) The maximum net price for sales by any person to consumers of the following tank ball manufactured by Wayne Specialty Company of Knoxville, Tennessee and as described in the application dated August 2, 1946, shall be:

Double Guided Tank Ball..... \$1.00

(b) On sales to dealers and installers the maximum net price f. o. b. point of shipment shall be the maximum net price above less a discount of 40 percent.

(c) On sales to jobbers the maximum net price f. o. b. point of shipment shall be the maximum net price above less successive discounts of 40 and 25 percent.

(d) The maximum net prices established by this order shall be subject to discounts and allowances including transportation allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of commodities in the same general category during March 1942.

(e) The maximum net price on an installed basis of the commodity covered in this order shall be determined in accordance with the provisions of Revised

Maximum Price Regulation No. 251, as amended.

(f) Each seller covered by this order, except on sales to a consumer shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers except dealers upon resale.

(g) Wayne Specialty Company of Knoxville, Tennessee shall stencil or tag each item covered by this order, substantially the following:

OPA Maximum Retail Price Uninstalled \$1.00

(h) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 17, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14405; Filed, Aug. 16, 1946;
11:52 a. m.]

[MPR 599, Order 26]

RADIOS SOLD WITHOUT INSTALLED TUBES

APPROVAL OF CEILING PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 21 of Maximum Price Regulation No. 599; it is ordered:

(a) *Scope of this order.* This order establishes a method for calculating ceiling prices for radios which differ from radios for which ceiling prices are established by Maximum Price Regulation No. 599 or orders issued thereunder only in that they are sold or delivered by the radio manufacturer without the tubes installed.

(b) *Definitions—(1) Relationship between the terms "tubeless radio" and "comparable radio" as used in this order.* Since ceiling prices for radios without tubes in all cases are determined by reference to the ceiling prices for radios which have installed tubes, hereinafter in this order, the term "tubeless radio" shall represent a radio which differs from a radio represented by the term "comparable radio" only in that the tubeless radio does not have all of the tubes installed by the manufacturer, and the comparable radio does have all of the tubes installed by the manufacturer which the radio is designed to contain. Furthermore, the comparable radio must have properly determined ceiling prices at all levels of distribution under Maximum Price Regulation No. 599.

(c) *Manufacturers' ceiling prices.* (1) A manufacturer's ceiling price for the sale of a tubeless radio to the class of distributors who purchase radios in the largest dollar volume, if the manufacturer has a ceiling price to a distributor under Maximum Price Regulation No. 599 or any order issued thereunder for the comparable radio, shall be determined as follows:

Step 1. Determine the retail ceiling price in Zone I for the comparable radio by the use of the method prescribed in section 9 (a) of Maximum Price Regulation No. 599.

Step 2. From the price so determined, deduct the sum of the retail ceiling prices set forth in paragraph (d) (1) of Order No. 619 under Revised Maximum Price Regulation No. 136 for each of the missing tubes which the tubeless radio is designed to contain.

Step 3. Divide the resulting remainder by the sum of:

(i) 110% and the percentage specified in section 9 (a) (2) of Maximum Price Regulation No. 599 which was used by the manufacturer in calculating the retail ceiling price in Zone I of the comparable radio.

The quotient resulting from the operation required by Step 3 is the manufacturer's ceiling price (exclusive of Federal excise tax) for the sale of the tubeless radio to that class of distributor who purchases radios in the largest dollar volume. Ceiling prices for the sale of the tubeless radio to other classes of purchasers shall be determined by the method set forth in section 8 of Maximum Price Regulation No. 599 on the basis of the ceiling price for the sale of the tubeless radio to the class of distributor who purchases radios in the largest dollar volume.

(ii) A manufacturer's ceiling price for the sale of a tubeless radio to the class of dealer who purchases radios in the largest dollar volume, if the manufacturer has a ceiling price for the sale of the comparable radio to a dealer but does not have a ceiling price for the sale of the comparable radio to a distributor under Maximum Price Regulation No. 599 or any order issued thereunder, shall be determined as follows:

Step 1. Determine the retail ceiling price in Zone I for the comparable radio by the use of the method prescribed in section 9 (b) of Maximum Price Regulation No. 599.

Step 2. From the price so determined, deduct the sum of the retail ceiling prices set forth in paragraph (d) (1) of Order No. 619 under Revised Maximum Price Regulation No. 136 for each of the missing tubes which the tubeless radio is designed to contain.

Step 3. Divide the resulting remainder by the sum of:

(i) 110% and the percentage specified in section 9 (b) (2) of Maximum Price Regulation No. 599 which was used by the manufacturer in calculating the retail ceiling price in Zone I of the comparable radio.

The quotient resulting from the operation required by Step 3 is the manufacturer's ceiling price (exclusive of Federal excise tax) for the sale of the tubeless radio to that class of dealer who purchases radios in the largest dollar volume. Ceiling prices for the sale of the tubeless radio to other classes of purchasers shall be determined by the method set forth in Section 8 of the Maximum Price Regulation No. 599 on the basis of the ceiling price for the sale of the tubeless radio to that class of dealer who purchases radios in the largest dollar volume.

(d) **Distributors' ceiling prices.** A distributor's ceiling price for the sale of a

tubeless radio without tubes, if the manufacturer's ceiling price for the tubeless radio was determined under this order, shall be the price determined by the use of the pricing method set out in Maximum Price Regulation No. 599 based on the manufacturer's ceiling price for the tubeless radio as determined under this order.

If the distributor purchases a tubeless radio and installs the appropriate tubes, his ceiling price for a sale of the tubeless radio after all the tubes have been installed shall be the ceiling price determined under Maximum Price Regulation No. 599 for such a sale of the comparable radio.

(e) **Dealers' ceiling prices.** A dealer's ceiling price to a consumer for a tubeless radio which has had all of the appropriate tubes installed by either the dealer or a distributor shall be the retail ceiling price for the comparable radio as established by Maximum Price Regulation No. 599.

A dealer's ceiling price for the sale to a consumer of a tubeless radio without all of the appropriate tubes installed is the retail ceiling price of the comparable radio less the total of the retail ceiling prices for the missing tubes which the radio is designed to contain.

(f) **Tagging.** The manufacturer is required to tag a tubeless radio with the retail ceiling price for the comparable radio, but the tag on the tubeless radio shall contain, in addition to the material required by section 13 of Maximum Price Regulation No. 599, the following statement:

This retail ceiling price is for the radio with all of the proper tubes installed.

(g) All the provisions of Maximum Price Regulation No. 599 not inconsistent with this order shall continue to apply to all sales and deliveries of radios subject to this order.

(h) **Example.** This example is included to aid in the understanding of the methods prescribed by this order for determining the ceiling prices of radios without the tubes installed by the manufacturer. It illustrates only some of the provisions of this order.

For the purposes of this example the following things are assumed:

1. A radio manufacturer has a ceiling price of \$20.00 f. o. b. factory (exclusive of Federal excise tax) under Maximum Price Regulation No. 599 for sales of a certain 5 tube radio of his manufacture to the class of distributor who purchases radios in largest dollar volume.

2. This set is designed to contain one each of the following tubes: 12SA7, 12SK7, 12SQ7, 35Z5GT, and 50L6GT, for which paragraph (d) (1) of Order No. 619 under Revised Maximum Price Regulation No. 136 establishes the following retail ceiling prices: \$1.00, \$1.00, \$1.00, \$.85 \$1.10, respectively, or a total retail ceiling price of \$4.95.

Ceiling prices of various classes of sellers are computed as follows: The manufacturer desires to sell the above set without the tubes installed to the class of distributor who purchases radios in the largest dollar volume.

Step 1. The retail ceiling price in Zone I for the comparable radio (with tubes) is: \$20.00+81% of \$20.00+10% of \$20.00 or \$38.20.

Step 2. \$38.20-\$4.95 (retail value of tubes)=\$33.25.

Step 3. $\frac{\$33.25}{110\%+81\%}=\17.41 , which is the manufacturer's ceiling price (exclusive of Federal excise tax) for the sale of the tubeless radio to a distributor of the class who purchases radios in the largest dollar volume.

The distributor's ceiling price for the sale of the tubeless radio without tubes to the class of dealer who purchases radios in the largest dollar volume is:

$(\$17.41+81\% \text{ of } \$17.41)-33\% (\$17.41+81\% \text{ of } \$17.41+10\% \text{ of } \$17.41)=\22.85 . See Section 10 of Maximum Price Regulation No. 599.

The distributor's ceiling price for the tubeless radio with the appropriate tubes installed by the distributor to the class of dealer who purchases radios in the largest dollar volume is:

$(\$33.20-2.00)-33\% (\$33.20)+2.00=\$26.25$. See paragraph (d) of this order and section 10 of Maximum Price Regulation No. 599.

This order shall become effective on the 21st day of August 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14417; Filed, Aug. 16, 1946; 4:21 p. m.]

[MPR 580, Amdt. 2 to Order 19]

KENDALL CO.

ESTABLISHMENT OF MAXIMUM PRICES

Maximum Price Regulation 580, Amendment 2 to Order No. 19. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-748.

For the reasons set forth in the opinion issued simultaneously herewith, Order No. 19, issued under section 13 of Maximum Price Regulation 580 on application of the Kendall Company, Walpole, Massachusetts, is amended in the following respects:

1. Paragraph (a) is amended to increase the retail ceiling price established for the article listed below:

Article	Manufacturer's ceiling price to—		Retail ceiling price
	Wholesalers	Retailers	
Curly diapers.....	Dozen \$1.97	Dozen { \$2.18 \$ 2.34 }	Dozen \$3.05

¹ 48 doz. or more,
² 48 doz. or less.

2. Paragraph (c) is amended by adding thereto the following undesignated paragraph:

Upon issuance of any amendment to this order which either adds an article to those already listed in paragraph (a) or changes the retail ceiling price of a listed article, the manufacturer or wholesaler, as to such article, must comply with the preticketing requirements of their paragraph within 30 days after the issuance of the amendment. After 60

days from the issuance date no retailer may offer or sell the article unless it is preticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60 day period, unless the article is so preticketed, the retailer shall comply with the marking, tagging and posting provisions of Maximum Price Regulation 580. However, the pricing provisions of this order or of any subsequent amendment thereto shall apply as of the effective date of the order or applicable amendment.

3. A new paragraph (g) is added to read as follows:

(g) The retail ceiling price of an article stated in paragraph (a) shall apply to any other article of the same type, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this order.

This amendment shall become effective August 20, 1946.

Issued this 19th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14466; Filed, Aug. 19, 1946;
11:24 a. m.]

[MPR 580, Amdt. 2 to Order 29]

CATALINA KNITTING MILLS, INC.
ESTABLISHMENT OF CEILING PRICES

Maximum Price Regulation 580, amendment 2 to order No. 29. *Establishing ceiling prices at retail for certain articles.* Docket No. 6063-580-13-712.

For the reasons set forth in the opinion issued simultaneously herewith, Order 29 issued under section 13 of Maximum Price Regulation 580, on application of Catalina Knitting Mills, Incorporated, 443 South San Pedro Street, Los Angeles 13, California, is amended in the following respects:

1. The text of paragraph (a) is amended by inserting the phrase "having the brand name 'Catalina,'" immediately preceding the phrase "is hereby established."

2. Paragraph (a) is further amended by establishing retail ceiling prices for the following:

Men's Sweaters	
Manufacturer's selling price (per dozen)	Retail ceiling price
\$60.00	\$8.50
45.00	6.50
72.00	10.00
30.00	4.00
Boy's Sweaters	
54.00	7.50
Ladies' Sweaters	
43.20	6.00

3. Paragraph (c) is amended by adding thereto the following undesignated paragraph:

Upon issuance of any amendment to this order which either adds an article to those already listed in paragraph (a) or changes the retail ceiling price of a listed article, Catalina Knitting Mills, Incorporated, as to such article, must comply with the preticketing requirements of

this paragraph within 30 days after the effective date of the amendment. After 60 days from the effective date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60 day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of Maximum Price Regulation 580. However, the pricing provisions of this order or of any subsequent amendment thereto shall apply as of the effective date of the order or applicable amendment.

4. Paragraph (d) is amended by adding thereto the following sentence:

Within 15 days after the effective date of any amendment to the order, the seller shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment. The seller shall also send a copy to each purchaser (to whom it had not delivered the article within two months prior to the amendment) at the time of or before the first delivery of the article subsequent to the effective date of the amendment.

5. A new paragraph (g) is added to read as follows:

(g) The retail ceiling price established under this order for any article shall apply to any other article of the same type, having the same selling price to the retailer, the same brand or company name and first sold by the manufacturer after the effective date of this order.

This amendment shall become effective August 20, 1946.

Issued this 19th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14467; Filed, Aug. 19, 1946;
11:24 a. m.]

[MPR 591, Order 786]

HUENEY BROTHERS, INC.

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 9 of Maximum Price Regulation No. 591, It is ordered:

(a) The maximum net prices for sales by any person to consumers of the following steel kitchen cabinets manufactured by Hueney Brothers, Inc. of Roselle, New Jersey and as described in its application dated July 31, 1946, shall be:

Model:

420-F—Right or left 42-inch steel under sink cabinet unit with pressed steel porcelain sink complete with faucet and strainer	\$88.16
420-F/H—Right or left same as 420-F, but with spray	91.74
540-F—54-inch steel under sink cabinet with pressed steel porcelain sink complete with faucet and strainer	116.13
540-F/H—Same as 540-F, but with spray	119.71
600-F—60-inch steel under sink cabinet unit with pressed steel porcelain sink complete with faucet and strainer	123.81
600-F/11—Same as 600-F, but with spray	127.39

Model Number	Description	Width Inches	Depth Inches	Height Inches	Door	Drawers	Shelves	Price
2118	Wall Cabinet	21	13	15	2		1	\$16.60
2418	do	24	13	15	2		1	17.60
3018	do	30	13	15	2		1	19.50
3618	do	36	13	15	2		1	22.50
1530-R	do	15	13	30	1		2	16.60
1530-L	do	15	13	30	1		2	16.60
1830-R	do	18	13	30	1		2	17.25
1830-L	do	18	13	30	1		2	17.25
2130	do	21	13	30	2		2	21.00
2430	do	24	13	30	2		2	22.00
3030	do	30	13	30	2		2	24.50
3630	do	36	13	30	2		2	27.50
2430-CW	Corner Wall Cabinet	24	24	30	1		2	30.50
42-SA	Wall Cabinet	42	13	30	2		2	27.00
48-SA	do	48	13	30	4		2	34.50
542	do	54	13	30	4		2	53.00
602	do	60	13	30	2		2	53.50
662	do	62	13	30	4		2	59.40
18-CDR	Base Cabinet without tops	18	24 1/4	30 1/4	1	1	1	26.50
18-CDL	do	18	24 1/4	30 1/4	1	1	1	26.50
21-CD	do	21	24 1/4	30 1/4	2	1	1	30.00
24-CD	do	24	24 1/4	30 1/4	2	1	1	32.50
30-CD	do	30	24 1/4	30 1/4	2	1	1	37.00
18-AD	do	18	24 1/4	30 1/4		3		34.00
2184-I	Implement Cabinet	21	13	84	4			47.50
2184-U	Utility Cabinet	21	13	84	4			51.50
421 H or L	Sink Base Cabinet	42	24 1/4	34 1/4	3	1	1	44.75
481	do	48	24 1/4	34 1/4	3	1	1	43.50
541	do	54	24 1/4	34 1/4	3	4	1	58.20
601	do	60	24 1/4	34 1/4	3	4	1	63.40
661	do	66	24 1/4	34 1/4	3	4	1	69.40
24-SE	Sink Front	24	2	30 1/4	2			18.30
30-SF	do	30	2	30 1/4	2			20.00
36-SF	do	36	2	30 1/4	2			22.40
24-SBP	Sink Frt. Bottom Plate	24	24 1/4					3.40
30-SBP	do	30	24 1/4					4.20
36-SBP	do	36	24 1/4					4.60
1825-T	Linoleum Counter Tops	18	25	1 1/2				10.50
2125-T	do	21	25	1 1/2				11.50
2425-T	do	24	25	1 1/2				12.50
3025-T	do	30	25	1 1/2				14.50
27-C-I	Base Corner Insert Linoleum Top	27	27	1 1/2				18.80

Model Number	Description	Length	Width	Price
		<i>Inches</i>	<i>Inches</i>	
181-WSF	Wall Scribing Filler	18	1	\$1.70
182-WSF	do	18	2	1.70
183-WSF	do	18	3	1.70
301-WSF	do	30	1	2.00
302-WSF	do	30	2	2.00
303-WSF	do	30	3	2.00
181-WIC	Wall Intermediate Channel Filler	18	1	2.20
182-WIC	do	18	2	2.20
183-WIC	do	18	3	2.20
301-WIC	do	30	1	2.50
302-WIC	do	30	2	2.50
303-WIC	do	30	3	2.50
1-BSF	Base Scribing Angle Filler	34½	1	2.50
2-BSF	do	34½	2	2.50
3-BSF	do	34½	3	2.50
1-BIC	Base Intermediate Channel Filler	34½	1	3.50
2-BIC	do	34½	2	3.50
3-BIC	do	34½	3	3.50

(b) On sales to a dealer the maximum net prices f. o. b. point of shipment shall be the maximum net prices indicated in (a) above less a discount of 40 percent.

(c) On sales to a jobber the maximum net prices f. o. b. point of shipment shall be the maximum net prices indicated in (a) above less successive discounts of 40 and 20 percent.

(d) The maximum net prices established by this order shall be subject to discounts and allowances including transportation allowances and the rendition of services which are at least as favorable as those which each seller extended or rendered or would have extended or rendered to purchasers of the same class on comparable sales of commodities in the same general category during March 1942.

(e) The maximum prices on an installed basis of the commodities covered by this order shall be determined in accordance with the provisions of Revised Maximum Price Regulation No. 251, as amended.

(f) Each seller covered by this order, except on sales to a consumer shall notify each of his purchasers, in writing, at or before the issuance of the first invoice after the effective date of this order, of the maximum prices established by this order for each such seller as well as the maximum prices established for purchasers upon resale.

(g) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective August 17, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14402; Filed, Aug. 16, 1946; 11:59 a. m.]

[MPR 580, Amdt. 1 to Order 50]

FRENCH, SHRINER AND URNER

ESTABLISHMENT OF CEILING PRICES

For the reasons set forth in the opinion issued simultaneously herewith, Order 50 issued under section 13 of Maximum Price Regulation 580 on application of French, Shriner and Urner, 63 Melcher Street, Boston 10, Massachusetts is amended in the following respects:

1. Paragraph (a) is amended to read as follows:

(a) The following ceiling prices are established for sales by any seller at retail of the following articles manufactured by French, Shriner and Urner, 63 Melcher Street, Boston 10, Massachusetts, having the brand name "French, Shriner and Urner" and listed in the manufacturer's applications dated April 17, 1945 and August 5, 1946.

*MEN'S SHOES

Manufacturer's selling price (unadjusted)	Ceiling price at retail
\$6.72	\$11.25
8.15	13.65
8.26	13.75
8.31	13.75
8.42	14.65
8.53	14.65
8.69	14.65
8.91	15.65
8.96	15.65
9.23	15.65
10.30	17.85

2. Paragraph (b) is amended to read as follows:

(b) The retail ceiling price of an article stated in paragraph (a) shall apply in place of the ceiling price which has been or would otherwise be established under this or any other regulation, and shall apply to any other article of the same type, having the same unadjusted selling price to the retailer, the same brand or company name, and first sold by the manufacturer after the effective date of this order.

3. Paragraph (c) is amended by deleting the phrase "Maximum Price Regulation No. 580" and substituting therefor the phrase "the regulation which would apply in the absence of this order."

4. Paragraph (c) is further amended by adding thereto the following undesignated paragraph:

Upon issuance of any amendment to this order which either adds an article to those already covered by the order or changes the retail ceiling price of a covered article, French, Shriner, and Urner, as to such article, must comply with the preticketing requirements of this paragraph within 30 days after the issuance of the amendment. After 60 days from the issuance date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60 day period, unless the article is so ticketed, the retailer shall comply with

the marking, tagging and posting provisions of the regulation which would apply in the absence of this order. However, the pricing provisions of this order or of any subsequent amendment thereto shall apply as of the effective date of the order or applicable amendment.

5. Paragraph (d) is amended to read as follows:

(d) At the time of or before the first delivery to any purchaser for resale of any article listed in paragraph (a), the seller shall send the purchaser a copy of this order and of each amendment thereto issued prior to the date of such delivery. Within 15 days after the effective date of any amendment to the order, the seller shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment. The seller shall also send a copy to all other purchasers at the time of or before the first delivery of the article subsequent to the effective date of the amendment.

6. Paragraph (e) is amended by deleting the phrase "Maximum Price Regulation No. 580" and substituting therefor the phrase "the regulation which would apply in the absence of this order."

This amendment shall become effective August 16, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14416; Filed, Aug. 16, 1946; 4:21 p. m.]

[MPR 580, Amdt. 4 to Order 59]

UNITED SHOE CORP.

ESTABLISHMENT OF CEILING PRICES

Maximum Price Regulation 580, Amendment 4 to Order No. 59. *Establishing ceiling prices at retail for certain article.* Docket No. 6063-580-13-740.

For the reasons set forth in the opinion issued simultaneously herewith, Order 59 issued under section 13 of Maximum Price Regulation 580 on application of The United States Shoe Corporation, Cincinnati 7, Ohio, is amended in the following respects:

1. Paragraph (a) is amended to increase the uniform retail ceiling price of shoes having the costs set forth below. The new retail ceiling prices are as follows:

Article	Manufacturer's unadjusted selling price	Ceiling price at retail in Denver, Colo., and west of Denver, Colo.	Ceiling price at retail east of Denver, Colo.
Gold Cross Shoe.	\$4.49	\$7.95	\$7.95
Do.....	4.58	7.95	7.95

2. Paragraph (c) is amended by adding thereto the following undesignated paragraph:

Upon issuance of any amendment to this order which either adds an article to those already listed in paragraph (a) or changes the retail ceiling price of a listed article. The United States Shoe Corporation, as to such article, must comply with the preticketing requirements of this paragraph within 30 days after the issuance of the amendment. After 60 days from the issuance date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60-day period, unless

the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of Maximum Price Regulation 580. However, the pricing provisions of this order or of any subsequent amendment thereto shall apply as of the effective date of the order or applicable amendment.

This amendment shall become effective August 20, 1946.

Issued this 19th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14468; Filed, Aug. 19, 1946;
11:28 a. m.]

[MPR 120, Order 1717]

BITUMINOUS COAL IN DISTRICT 2

ESTABLISHMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, and in accordance with § 1340.207 (a) of Maximum Price Regulation No. 120; It is ordered:

(a) The following maximum prices in cents per net ton are established for the indicated size group and according to the method of shipment of bituminous coal from the mines indicated by index numbers and names, all of which are in District No. 2.

Mine index No.	Mine name	Type of operation	Maximum prices by size group numbers f. o. b. the rail or river shipping point for all rail or river shipments exclud- ing railroad fuel						Maximum prices by size group num- bers f. o. b. the rail or river ship- ping point for all rail or river ship- ments for railroad fuel use						Maximum prices by size group numbers f. o. b. the mine or preparation plant for ship- ments made entirely by truck or wagon						Number of orders under MPR 120 in which the excep- tion was origi- nally granted and revo- ked in this order	Effective date of adjust- ment order	
			1,2	3,4	5	6	7,8	9	1,2	3,4	5	6	7,8	9	10	1,2,3	4	5,6,7	8	9,10			11
10	Banning No. 1	D	\$4.11	\$4.11	\$4.11	\$4.01	\$3.76	\$3.56	(1)	(1)	(1)	(1)	(1)	(1)	(1)	\$4.91	\$4.61	\$4.51	\$3.86	\$3.66	\$3.41	L 539	1-7-46
29	Montour No. 10	D	4.31	4.11	4.11	4.01	3.76	3.56	(1)	(1)	(1)	(1)	(1)	(1)	(1)	5.01	4.66	4.36	4.01	3.61	3.46	L 539	1-7-46
34	Clyde No. 2	D				4.21			(1)	(1)	(1)	(1)	(1)	(1)	(1)							L 410	9-17-45
41	Cosco No. 1	D	4.06	4.01	4.06	4.01	3.66	3.41	(1)	(1)	(1)	(1)	(1)	(1)	(1)							L 296	7-10-45
42	Cosco No. 2	D	4.06	4.01	4.06	4.01	3.66	3.41	(1)	(1)	(1)	(1)	(1)	(1)	(1)							L 296	7-10-45
48	Creighton	D	4.06	4.01	4.06	4.01	3.71	3.41	(1)	(1)	(1)	(1)	(1)	(1)	(1)	4.96	4.61	4.36	3.96	3.66	3.41	L 300	7-11-45
49	Crescent No. 1	D	4.11	4.11	4.11	4.01	3.76	3.56	(1)	(1)	(1)	(1)	(1)	(1)	(1)	5.01	4.61	4.21	4.01	3.66	3.31	L 539	1-7-46
60	Emerald	D	4.31	4.31	4.31	4.21	3.96	3.76	(1)	(1)	(1)	(1)	(1)	(1)	(1)							1306	3-13-45
61	Enterprise	D	4.21	4.06	3.86	4.06	3.46	3.31	(1)	(1)	(1)	(1)	(1)	(1)	(1)							1306	3-13-45
62	Euclid	D	4.11	4.11	4.11	4.01	3.76	3.56	(1)	(1)	(1)	(1)	(1)	(1)	(1)	4.91	4.71	4.41	3.81	3.61	4.31	L 539	1-7-46
84	Grant	D	4.35	4.20	4.20	4.15	4.15	3.80	(1)	(1)	(1)	(1)	(1)	(1)	(1)	5.25	4.96	4.86	4.01	3.71	3.51	L 674	5-16-45
92	Henderson	D	4.11	4.01	3.76	3.66	3.46	3.31	4.11	4.01	3.91	3.76	3.46	3.36	3.36	5.01	4.61	4.51	4.01	3.66	3.31	L 539	1-7-46
93	Hubbard	D	(2)	(2)	(2)	(2)	(2)	(2)															
99	Irwin No. 11	D	3.86	3.86	3.86	3.76	3.66	3.56	(1)	(1)	(1)	(1)	(1)	(1)	(1)							1306	3-13-45
106	Jefferson	D & S	3.95	3.80	3.80	3.70	3.45	3.35	4.00	4.00	4.00	3.85	3.45	3.45	3.45							L 341	8-6-45
124	Lewis	D				3.82																1306	3-13-45
128	Lindley	D	(2)	(2)	(2)	(2)	(2)	(2)															
145	Mather	D	4.81	4.81	4.81	4.81	3.65	3.45	(1)	(1)	(1)	(1)	(1)	(1)	(1)							L 492	11-23-45
150	Mongah	D				4.01										5.01	4.66	4.36	4.01	3.61	3.46	L 539	1-7-46
152	Montour No. 9	D	4.31	4.11	3.76	3.66	3.36	3.26	4.31	4.11	3.91	3.76	3.36	3.36		5.01	4.61	4.51	4.01	3.66	3.31	L 539	1-7-46
155	Mooween	D	3.96	3.91	3.91	3.76	3.51	3.36	(1)	(1)	(1)	(1)	(1)	(1)	(1)							L 734	7-26-46
156	Morris	D	4.51	4.26	4.26	4.01	4.01	3.46	(1)	(1)	(1)	(1)	(1)	(1)	(1)	5.16	4.76	4.66	4.16	3.91	3.56	L 332	7-30-45
187	Renton No. 3	D	(2)	(2)	(2)	(2)	(2)	(2)															
188	Renton No. 6	D	(2)	(2)	(2)	(2)	(2)	(2)															
224	Coverdale	D	4.36	4.36	4.36	4.31	4.16	3.61	(1)	(1)	(1)	(1)	(1)	(1)	(1)	5.01	4.76	4.51	4.01	3.76	3.51	1306	3-13-45
229	Washington	D	4.31	4.16	3.81	3.91	3.66	3.51	(1)	(1)	(1)	(1)	(1)	(1)	(1)	5.01	4.61	4.51	4.01	3.66	3.31	L 324	7-20-45
237	Warden	D	4.11	4.11	4.11	4.01	3.76	3.56	(1)	(1)	(1)	(1)	(1)	(1)	(1)	5.01	4.66	4.36	4.01	3.61	3.46	L 539	1-27-46
242	Wildwood	D	(2)	(2)	(2)	(2)	(2)	(2)															
249	Zenith Coal Co.	D	4.06	4.01	4.06	4.01	3.66	3.51	(1)	(1)	(1)	(1)	(1)	(1)	(1)							L 258	6-23-45
373	Top Block	D	5.26	4.46	4.46	4.46	3.46	3.31	(1)	(1)	(1)	(1)	(1)	(1)	(1)	4.66	4.36	4.31	3.86	3.46	3.26	L 591	3-5-46
386	Carpentertown	D				4.21			(1)	(1)	(1)	(1)	(1)	(1)	(1)							1306	3-13-45
613	Yough No. 2	D							(1)	(1)	(1)	(1)	(1)	(1)	(1)	4.96	5.06	4.31	4.41	3.56	3.41	L 696	6-7-46
1021	Alice (Hays No. 2)	D & S	4.02	3.97	3.97	3.87	3.82	3.72	(1)	(1)	(1)	(1)	(1)	(1)	(1)							L 392	9-11-45
1224	Moffitt	D	4.06	4.06	4.06	3.96	3.71	3.51	(1)	(1)	(1)	(1)	(1)	(1)	(1)	4.96	4.56	4.56	4.11	3.76	3.46	L 408	9-17-45
2266	Mammoth No. 1	D & S		3.76	4.06	4.06	3.71	3.56	3.86	3.86	4.06	4.06	3.71	3.56	3.41							1306	3-13-46
2541	Hazel Kirk	D	4.51	4.51	4.51	4.51	3.71	3.51								5.01	4.51	4.51	4.51	3.61	3.26	L 255	6-23-45
2490	Old Labelle	D	4.06	3.96	3.76	3.76	3.46	3.31	4.06	3.96	3.76	3.76	3.46	3.36	3.36	4.86	4.56	4.46	3.91	3.61	3.36	1306	3-13-45
2566	Koskey No. 1	D	4.26	4.16	4.16	4.16	3.66	3.71	(1)	(1)	(1)	(1)	(1)	(1)	(1)							1306	3-13-45
4043	Delmont No. 10	S	3.15	3.10	3.10	3.91	2.65	2.60	(1)	(1)	(1)	(1)	(1)	(1)	(1)							L 328	9-5-45
4175	Whiteley	D	4.46	4.46	4.46	4.46	3.96	3.71	(1)	(1)	(1)	(1)	(1)	(1)	(1)	4.96	4.61	4.31	4.46	3.56	3.41	L 509	12-3-45
4202	Hawker	D	4.01	4.01	4.01	3.91	3.61	3.61	(1)	(1)	(1)	(1)	(1)	(1)	(1)	4.86	4.56	4.51	4.01	3.61	3.51	L 683	6-5-46
4282	Atlas No. 1	D																					
44526	Beaver No. 1	S	3.25	3.20	3.20	3.10	2.90	2.75	(1)	(1)	(1)	(1)	(1)	(1)	(1)							* 1666	5-21-46

¹ Same as rail.

² See table below.

³ When purchased and sold by and shipped over dock of Emerald Coal & Coke Co. (Mine Index No. 60).

⁴ When sold to Carnegie-Illinois Steel Co.

⁵ Void on and after Sept. 20, 1946.

⁶ Classifications were also established by this order therefore this order is not revoked.

Grade

M. I. No.	Mine name	Type operation	Size No. description	1	1	2	3	3	3	4	4	5	5	5	5	5	6	7	7	7	Stoker	1 1/2" x 2" nut (w)
				8" block	4 1/2" LP	4" LP (raw)	3" LP	3 x 5 egg	2 x 5 furnace egg	2" LP (w)	2" LP	2 x 3 furnace	2 x 4 egg (w)	Egg	Egg 2 x 4 1/2"	2 x 4 egg	4" x 1 1/4"	1 x 2 nut				
93	Hubbard	D					500				490			485								435
128	Lindley	D					505															
187	Renton No. 3	D					500					490					460					
188	Renton No. 6	D					510					500										
224	Coverdale	D										530										
242	Wildwood	D																		460	485	495

Grade—Continued

M. I. No.	Mine name	Type operation	Size No. description	7	7	7	7	7	7	7	8	9	9	10	10	10	11	Order No under MPR 120 in which the exception was granted and revoked in this order	Effective date of order
				$\frac{3}{8} \times 1\frac{1}{4}''$ Nut stoker		Nut	$2'' \times 1\frac{1}{4}''$ (W) nut	Stoker	1 x2 stove	$1\frac{1}{4} \times \frac{3}{8}''$ stoker	Run of mine	Nut & Slack		Slack		Stoker slack $1''$	Slack $\frac{3}{8}''$		
				Washed	Raw							2''	$1\frac{1}{2}''$	1''	$1\frac{1}{4}''$				
93	Hubbard	D		485	425						500	360(W)			355			328	7/25/45
128	Lindley	D								440	475							328	7/25/45
187	Renton No. 3	D						485			500							328	7/25/45
188	Renton No. 6	D				405		485			510							328	7/25/45
224	Coverdale	D		530			495					450						329	7/26/45
242	Wildwood	D									500	400	400	435		390	375	328	7/25/45

(b) The maximum prices established herein are f. o. b. the mine or preparation plant for truck or wagon shipments, f. o. b. the rail or river shipping point for rail or river shipments, and f. o. b. the rail shipping point for railroad fuel for all uses.

(c) The descriptions of size group numbers in paragraph (a) above are the same as those referred to in § 1340.213; Appendix B of Maximum Price Regulation No. 120.

(d) Where no maximum price appears in this order for a certain size or method of shipment of coal, the maximum price provided for District No. 2 shall apply.

(e) The maximum prices established for mines granted adjustments by the orders under Maximum Price Regulation No. 120 which are listed by number in paragraph (a) above are hereby revoked.

(f) This order may be revoked or amended by the Price Administrator at any time.

(g) Except as is specifically provided in this order, the provisions of Maximum Price Regulation No. 120 covering the sale of bituminous coal shall remain in effect.

(h) The applicant shall include a statement on all invoices in connection with the sales of coals priced under this order that the price charged includes an adjustment granted by Order No. 1717 under Maximum Price Regulation No. 120 of the Office of Price Administration.

This order shall become effective August 21, 1946.

Issued this 16th day of August 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14399; Filed, Aug. 16, 1946;
11:53 a. m.]

[MPR 580, Amdt 1 to Order 287]

JOHNSON-STEPHENS & SHINKLE SHOE CO.
ESTABLISHING CEILING PRICES

Maximum Price Regulation 580, Amendment 1 to Order No. 287. Establishing ceiling prices at retail for certain articles. Docket No. 6063-580-13-736.

For the reasons set forth in the opinion issued simultaneously herewith, Order 287 issued under section 13 of Maximum Price Regulation 580 on application of Johnson-Stephens & Shinkle Shoe Company, 4242 Laclede Avenue, St. Louis 8, Missouri is amended in the following respects:

1. Paragraph (a) is amended to increase the uniform retail ceiling price of the ladies' shoe cost lines set forth below.

The new retail ceiling prices are as follows.

Manufacturer's, unadjusted selling price	Retail ceiling prices
\$5.30	\$9.95
5.39	9.95
5.42	9.95
5.51	9.95

2. Paragraph (d) is amended by adding thereto the following undesignated paragraphs:

Upon issuance of any amendment to this order which either adds an article to those already covered by the order or changes the retail ceiling price of a covered article, the manufacturer, as to such article, must comply with the preticketing requirements of this paragraph within 30 days after the issuance of the amendment. After 60 days from the issuance date, no retailer may offer or sell the article unless it is ticketed in accordance with the requirements of this paragraph. Prior to the expiration of the 60 day period, unless the article is so ticketed, the retailer shall comply with the marking, tagging and posting provisions of the regulation which would apply in the absence of this order. However, the pricing provisions of this order or of any subsequent amendment thereto shall apply as of the effective date of the order or applicable amendment.

3. Paragraph (e) is amended to read as follows:

(e) At the time of or before the first delivery to any purchaser for resale of any article listed in paragraph (a), the seller shall send the purchaser a copy of this order and of each amendment thereto issued prior to the date of such delivery. Within 15 days after the effective date of any subsequent amendment to the order, the seller shall send a copy of the amendment to each purchaser to whom, within two months immediately prior to the effective date of such amendment, the seller had delivered any article the sale of which is affected in any manner by the amendment. The seller shall also send a copy to all other purchasers at the time of or before the first delivery of the article subsequent to the effective date of the amendment.

This amendment shall become effective August 20, 1946.

Issued this 19th day of August, 1946.

PAUL A. PORTER,
Administrator.

[F. R. Doc. 46-14469; Filed, Aug. 19, 1946;
11:25 a. m.]

Regional and District Office Orders.

[Region I Order G-18 Under RMPR 122, Amdt. 3]

SOLID FUELS IN NEW LONDON, CONN. AREA

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (2) and 1340.260 of Revised Maximum Price Regulation No. 122, Region I Order No. 18 under Revised Maximum Price Regulation No. 122 is hereby amended in the following respects:

1. In paragraph (b) (1), the table of prices for coke in Price Schedule I is amended to read as follows:

Kind and size	Per net ton	Per $\frac{1}{2}$ ton	Per $\frac{1}{4}$ ton	Per 100 lbs.
Koppers coke—Egg, stove, and chestnut.....	\$17.85	\$9.18	\$4.84	\$1.00

2. In paragraph (c) (1), the table of prices for coke in Price Schedule II is amended to read as follows:

Kind and size	Per net ton	Per $\frac{1}{2}$ ton	Per $\frac{1}{4}$ ton	Per 100 lbs.
Coke—Egg, stove, and chestnut.....	\$16.85	\$8.68	\$4.59	\$0.90

This Amendment No. 3 to Order No. G-18 shall become effective as of July 26, 1946.

Issued this 2d day of August, 1946.

ELDON C. SHOUP,
Regional Administrator.

[F.R. Doc. 46-14272; Filed, Aug. 15, 1946;
1:45 p. m.]

[Region I SO 23 Under RMPR 122]

SOLID FUELS IN BOSTON REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended; *It is hereby ordered, That:*

(a) The specific maximum prices in effect on June 24, 1946, for Pennsylvania Anthracite coals under Region I orders under Revised Maximum Price Regulation No. 122 listed in paragraph (e) of

this order (including, where applicable, the specific maximum prices listed in said orders as heretofore modified or adjusted by Region I Supplementary Orders 7, 8, 13 and 18, but exclusive of the increased charges to consumers provided by Supplementary Order 19, as amended, under Revised Maximum Price Regulation No. 122) shall, on and after June 25, 1946, be increased as follows:

Size	Increase per net ton	Increase per 100 lbs.
Broken, egg, stove and chestnut	\$1.15	\$0.05
Pea	1.00	.05
Buckwheat No. 1	.70	None
Rice	.60	None
Barley	.50	None
Smaller	.40	None
Yard screenings	.75	None

All sizes—Per ¼ and ½ ton—Amounts arrived at by application of formulas originally used in the order for half- and quarter-ton prices to the new increased net-ton price.

The foregoing shall apply to all schedules of specific dollars-and-cents prices for Pennsylvania Anthracite (including any named anthracites) in said orders.

(b) Orders affected. The provisions of paragraph (a) above shall apply to Region I orders under Revised Maximum Price Regulation No. 122, as follows:

Order No.:	Area
G-11	Lawrence, Mass.
G-12	Haverhill, Mass.
G-13	Lynn-Salem, Mass.
G-14	Lowell, Mass.
G-15	Manchester, N. H.
G-16	Brockton, Mass.
G-17	Taunton, Mass.
G-18	New London, Conn.
G-19	Concord, N. H.
G-21	Nashua, N. H.
G-22	Worcester, Mass.
G-23	Stoughton, Mass.
G-24	Bridgeport, Conn.
G-25	Portland, Me.
G-26	Portsmouth-Kittery, N. H.
G-28	Bangor, Me.
G-29	Lewiston-Auburn, Me.
G-30	Augusta, Me.
G-31	Brunswick, Me.
G-32	Rockland, Me.
G-33	Biddeford-Saco, Me.
G-34	Bath, Me.
G-35	Hampton-Seabrook, N. H.
G-36	Dover-Exeter, N. H.
G-38	Milford-Hopedale, Mass.
G-39	Providence, R. I.
G-40	Rutland, Vt.
G-41	Adams, Mass.
G-42	Bennington, Vt.
G-43	Manchester, Vt.
G-44	Danbury, Conn.
G-45	White River Junction, Vt.
G-46	Hartford, Conn.
G-47	New Haven, Conn.
G-48	Brattleboro-Keene, Vt.
G-49	Middleton, Conn.
G-50	St. Albans, Vt.
G-51	Waterbury, Conn.
G-52	Putnam, Conn.
G-53	Bellows Falls, N. H. (Vt.)
G-54	Burlington, Vt.
G-55	Willimantic, Conn.
G-56	Montpelier, Vt.
G-57	Norwich, Conn.
G-58	St. Johnsbury, Vt.
G-59	Winsted, Conn.
G-60	Springfield, Vt.; Claremont, N. H.
G-61	New Britain, Conn.
G-62	Torrington, Conn.
G-63	Woonsocket, R. I.
G-64	New Bedford, Mass.

Order No.:	Area
G-65	Attleboro, Mass.
G-66	Fitchburg, Mass.
G-67	Gardner, Mass.
G-68	Fall River, Mass.
G-69	Southbridge, Mass.

Subparagraphs of paragraph (c) of Revised Order No. G-70:

Appendix:

1	Plymouth, N. H.
2	Greenfield, Mass.
3	Pittsfield, Mass.
4	Springfield, Mass.
5	Holyoke, Mass.
8	Amherst, Mass.
9	Metropolitan Boston.
10	Berlin, N. H.
12	Southern Berkshire.
13	Stamford-Norwalk, Conn.
14	North Country, N. H.
15	Laconia-Franklin, N. H.
19	Conway, N. H.
23	Lynn-Salem, Mass.

This Supplementary Order No. 23 shall become effective as of June 25, 1946.

Issued this 26th day of June 1946.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 46-14283; Filed, Aug. 15, 1946; 1:50 p. m.]

[Region 1 SO 24 Under RMPR 122]

SOLID FUELS IN BOSTON REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, *it is hereby ordered*, That:

(a) Dealers making sales of coke subject to the Region I Orders under Revised Maximum Price Regulation No. 122 listed in paragraph (b) of this order, may increase the specific maximum prices (including, where applicable, the specific maximum prices in said orders as previously increased by Region I Supplementary Order No. 16 or 17) for all sizes of coke which are specifically priced in said orders by the following amounts:

Per net ton	\$1.35
Per ½ ton	.68
Per ¼ ton	.34
100 pounds	.07

(b) Orders affected.

Order No.:	Area
G-11	Lawrence, Mass.
G-12	Haverhill, Mass., Area.
G-13	Lynn-Salem Area.
G-14	Lowell, Mass., Area.
G-15	Manchester, N. H., Area.
G-16	Brockton, Mass., Area.
G-17	Taunton, Mass., Area.
G-18	New London, Conn., Area.
G-21	Concord, N. H., Area.
G-19	Nashua, N. H., Area.
G-22	Worcester, Mass., Area.
G-23	Stoughton, Mass., Area.
G-24	Bridgeport, Conn., Area.
G-25	Portland, Maine, Area.
G-26	Portsmouth-Kittery Area.
G-28	Bangor, Maine, Area.
G-29	Lewiston-Auburn Area.
G-30	Augusta, Maine, Area.

Order No.:	Area
G-31	Brunswick, Maine, Area.
G-32	Rockland, Maine, Area.
G-33	Biddeford-Saco Area.
G-34	Bath, Maine, Area.
G-35	Hampton-Seabrook Area.
G-36	Dover-Exeter Area.
G-38	Milford and Hopedale, Mass.
G-39	Providence, R. I., Area.
G-40	Rutland, Vt., Area.
G-41	Adams, Mass.
G-42	Bennington, Vt.
G-43	Manchester, Vt.
G-44	Danbury, Conn.
G-45	White River Junction, Vt.
G-46	Hartford, Conn.
G-47	New Haven, Conn.
G-48	Brattleboro-Keene, Vt.
G-49	Middletown, Conn.
G-50	St. Albans, Vt.
G-51	Waterbury, Conn.
G-52	Putnam, Conn.
G-53	Bellows Falls, N. H.-Vt.
G-54	Burlington, Vt.
G-55	Willimantic, Conn.
G-56	Montpelier, Vt.
G-58	St. Johnsbury, Vt.
G-59	Winsted, Conn.
G-60	Springfield, Vt.-Claremont, N. H.
G-61	New Britain, Conn.
G-62	Torrington, Conn.
G-63	Woonsocket, R. I.
G-64	New Bedford, Mass.
G-65	Attleboro, Mass.
G-66	Fitchburg, Mass.
G-67	Gardner, Mass.
G-68	Fall River, Mass.
G-69	Southbridge, Mass.

Subparagraphs of paragraph (c) of Revised Order No. G-70:

1	Plymouth, N. H.
2	Greenfield, Mass.
3	Pittsfield, Mass.
4	Springfield, Mass.
5	Holyoke, Mass.
8	Amherst, Mass.
9	Metropolitan Boston.
10	Berlin, N. H.
12	Southern Berkshire.
13	North Country, N. H.
14	Laconia-Franklin, N. H.
15	Conway, N. H.
19	Norwich, Conn.
22	Stamford-Norwalk, Conn.

This Supplementary Order No. 24 shall become effective as of June 28, 1946.

Issued this 30th day of July 1946.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 46-14282; Filed, Aug. 15, 1946; 1:49 p. m.]

[Region I SO 24 Under RMPR 122, Amdt. 1]

SOLID FUELS IN BOSTON REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, paragraph (b) of Region I Supplementary Order No. 24 is amended by deleting "G-18 . . . New London, Connecticut" from the list of orders set forth therein.

This Amendment No. 1 to Supplementary Order No. 24 shall become effective as of July 26, 1946.

Issued this 2d day of August 1946.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 46-14281; Filed, Aug. 15, 1946;
1:48 p. m.]

[Sioux Falls Order G-1 Under Gen Order 63,
Amdt. 3]

BUILDING AND CONSTRUCTION MATERIALS IN SIOUX FALLS, S. DAK., AREA

For the reasons set forth in the accompanying opinion and pursuant to the authority vested in the District Director of the Sioux Falls District Office, Region VI, of Sioux Falls, South Dakota, of the Office of Price Administration, the maximum prices set forth in Revised Appendix A of the Sioux Falls Area are amended to read as set forth on the Revised Appendix A¹ (effective July 26, 1946).

This Amendment No. 3 to Revised Order No. G-1 shall become effective July 26, 1946.

Issued this 26th day of July 1946.

E. J. WINTERSTEEN,
District Director.

[F. R. Doc. 46-14274; Filed, Aug. 15, 1946;
1:45 p. m.]

[Region VI Order G-2 Under Rev. Gen.
Order 65]

SOFTWOOD LUMBER, SHINGLES AND HARD- WOOD FLOORING IN CHICAGO REGION

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to Revised General Order 65, it is ordered:

SECTION 1. *Maximum prices and transactions covered by this order*—(a) *Maximum prices.* Regardless of any contract or other obligation, no person shall sell or deliver, and no person shall buy or receive any softwood, lumber or hardwood flooring out of distribution yard stock covered by this order or by any appendix which may now or hereafter be incorporated into and made a part of this order at prices higher than the maximum prices set forth in this order and in such appendices.

(b) *Transactions covered by this order.* This order covers all retail type sales by

lumber distribution yards located in any area specified in any of the appendices¹ out of distribution yard stock of any of the specified lumber or lumber products listed in the appendix applicable to that particular area and of any lumber or lumber products which may be developed from such items by using the additions set forth in section 3 below; *Provided*, That where a distribution yard has any connection, either financially or through family relationships, with any lumber producing operation, and such distribution yard is located within 500 miles of such lumber producing operation, sales of lumber for rail shipment in carload quantities or water shipment in any quantity out of stock of such distribution yard whether freight cost is borne by the buyer or seller shall not be covered by this order but shall be subject to the applicable mill regulation governing the species sold.

The body of this order contains the general provisions which are applicable to all of the appendices attached hereto.¹ The special provisions and specific prices applicable in particular areas are set forth in the respective appendices each of which is issued as a part of this order. Insofar as any provision contained in any appendix may be inconsistent with any provision contained in the body of this order, the provision contained in the appendix shall be controlling in the area governed by that appendix.

SEC. 2. *What this order does not cover.* This order does not cover sales by wholesale distribution yards or "wholesale-type" sales by retail distribution yards as defined in section 5 (d) and 5 (e) herein.

SEC. 3. *Additions for working, kiln drying, and pressure treatment.*—(a) *Basic workings.* When a distribution yard is required to perform workings, the following additions per M'BM may be made to the maximum price of the most economical size listed in the applicable appendix from which the desired item may be obtained, *Provided*:

(1) The end product is not a standard size, or a size reasonably similar thereto as shown in the applicable appendix (Example: If a yard resaws 2" x 6" S4S and the end product is a board 23/32" thick, this is a size "reasonably similar" to standard thickness 25/32"); or

(2) The end product is thicker than 2", wider than 12" or longer than 22 feet.

(b) *Kiln-drying.* For kiln-drying, done at the yard, an addition of double the addition permitted by the applicable direct-mill regulation may be made.

(c) *Custom milling or kiln-drying.* Where the required working or kiln-drying cannot be performed by the distribution yard making the sale because it does not have the necessary facilities, the yard may add to the maximum price of the original size the actual cost of having the working or drying performed at a custom establishment provided the end product produced is a non-standard size or an item larger than boards or dimension. If the distribution yard has the facilities to perform the required workings or drying the maximum charges in paragraphs (a) and (b) of this section apply. If the end product is a standard or near standard size of boards or dimension, no additions may be made and the maximum price must be computed on the basis of the item produced.

No addition may be made for transportation to or from the custom establishment.

(d) *Custom pressure treating.* Where pressure treating of untreated lumber in the yard's stock at time of sale is required, and the distribution yard making the sale does not have the necessary facilities, the yard may make the additions shown below. If the yard has the necessary treating facilities, Maximum Price Regulation 491, Pressure Preservative Treatment of Forest Products and Pressure Treated Forest Products, is applicable.

(1) Douglas fir, West Coast hemlock, all species of true fir, redwood, sitka spruce, and Western red cedar. (Retention up to and including 20 lbs.) The total of the additions in (i), (ii) and (iii) may be made:

(i) Treating addition:

a. Sales of 10,000 feet or more: \$20.50 per M'BM.

b. Sales of 2,000 feet to 10,000 feet: \$23.75 per M'BM.

c. Sales of less than 2,000 feet: \$20.50 per M'BM plus a flat addition of \$7.00 regardless of quantity.

(ii) Cost of transportation to buyer's destination by way of treating plant.

(iii) Cost of preservative in accordance with section 6 (d) of 2nd Revised Maximum Price Regulation 215.

(2) For all other species, deduct \$4.00 per M'BM from above prices.

NOTES: 1. For pressure treating to a retention over 20 lbs. to 22 lbs. (inclusive), add \$5.00 per M'BM; over 22 lbs. to 24 lbs. (inclusive), add \$15.00 per M'BM; over 24 lbs., add \$20.00 per M'BM.

2. The quantities referred to in this subsection are the total amounts of treated lumber involved in the transaction.

SEC. 4. *Delivery practices and charges.*

(a) For yards covered by this order located in the State of Illinois and Lake County, Indiana, no charge may be made for delivery within a radius of 25 miles. For deliveries beyond a radius of 25 miles an addition of 10 cents per M'BM may be made for each mile beyond the first 25 miles, but not for any part of the return trip. If the buyer picks up the lumber at the yard, no reduction in price is required.

MAXIMUM MILLING CHARGES

	4/4", 5/4", 6/4"	2"	3" and 4"	5" x 5" to 8" x 8"	6" x 10" and larger	Permitted mini- mum charges
S1S, S2S	\$6.00	\$7.00	\$6.00	\$6.00	\$8.00	\$1.50
S3S, S4S	6.00	5.00	6.00	6.00	8.00	1.50
D & M, shiplap, grooved beveled sleepers	7.00	6.00	7.00	10.50	10.00	1.75
Drop siding and ceiling	7.00	6.00	XXXX	XXXX	XXXX	1.75
Outgauging and special patterns	15.00	15.00	15.00	15.00	15.00	3.75
Cross-cutting	2.50	2.50	2.50	3.50	4.00	.50
Ripping	3.50	3.50	3.50	XXXX	XXXX	.75
Resawing	5.00	5.00	5.00	5.00	6.00	1.00

NOTES: 1. Where the total charge figured on an M'BM basis is less than the minimum shown in the table, the permitted minimum charge may be added.

2. The cross-cutting addition may be made only as many times as are necessary to produce the desired length from the shortest standard multiple of that length in the size and grade required. The final cost, including cross-cutting and waste, may not exceed the most economical final cost of producing the required length.

3. The total charge for ripping and resawing may not include additions for more than three rips, and/or resaws.

¹ Filed as part of the original document.

(b) For yards covered by this order located in the States of Minnesota, North Dakota, South Dakota, Iowa, Nebraska and Wisconsin, no charge may be made for delivery within a radius of 10 miles to those classes of customers to whom free delivery was extended in March, 1942 and thereafter. For deliveries of more than 10 miles to such classes of customers an addition of 10 cents per M'BM may be made for each mile beyond the first 10 miles, but not for any part of the return trip. If the buyer picks up the lumber at the yard no reduction in price is required.

To all classes of customers to whom free delivery was not included in March, 1942, and thereafter, an additional charge for delivery may be made: *Provided*, That such charge does not exceed that made for the same type of delivery during March, 1942.

(c) New yards not in existence in March, 1942 covered by this order must establish free delivery practices as favorable as those prevailing for yards in existence in March, 1942 in the applicable area as determined in (a) and (b) above.

(d) *Common or contract carrier.* When delivery is by common or contract carrier, i. e., truckers, only the actual amount paid to the carrier may be added. However, the permitted estimated weights for rail shipment in the appropriate direct-mill regulation may be used, where given, in the event of delivery by rail. If delivery by rail is on a transit rate, that rate is the maximum which may be used in computing the addition for delivery.

SEC. 5. Definitions—(a) Retail yard. A retail distribution yard covered by this order means any distribution yard which during both the calendar years 1940 and 1942 sold more than 50 per cent of its dollar volume of softwood lumber and/or hardwood flooring to persons other than distribution yards, wholesale or retail (in determining the dollar volume of softwood lumber and/or hardwood flooring hereunder, direct mill sales shall not be included), and in addition, meets all of the following requirements:

(1) It obtains lumber from mills, concentration yards, wholesalers, or other distribution yards, and unloads, sorts, stores, and resells such lumber.

(2) It regularly maintains for sale an inventory of varied items, species, and classes of lumber, lumber products and other building materials.

(3) It obtains its lumber, except for local species, mostly by rail or water and sells mostly for truck shipment, being stocked and equipped to make prompt delivery of different items of lumber or lumber products out of its yard.

(4) It furnishes on all sales the usual distribution yard services, such as accepting returns, making exchanges, filling shortages from stock.

(5) It has an office and records at the yard site, is manned by a crew employed by the yard, and exclusively owns or controls all facilities of such establishment and uses the same for the handling and sale of the material bought and sold by it.

(6) It is a separate and distinct operation from any concentration yard or mill operation as defined in the applicable mill regulation governing the species sold. For purposes of this requirement, such an establishment is not a separate and distinct operation unless it maintains for its use, exclusive of use by any mill or concentration yard, the following separate facilities: site, equipment, personnel and records (for the handling and sale of material of the distribution yard), yard and shed, offices, yard help, sales force, managerial staff, stock of lumber, inventory records, books of account, bank account, detailed charges to inventory by price, grade and sizes of items, and operating and profit and loss statements, none of which are used in connection with the operation of a mill or concentration yard as defined in the applicable mill regulation governing the species sold: *Provided, however*, That where a distribution yard has been continuously operating on the same site as a mill or concentration yard since prior to January 1, 1943, the requirement that it shall be situated at a separate site shall not apply: *And provided further*, That where a distribution yard has been continuously operating on the same site as a mill or concentration yard since prior to January 1, 1943, and the total sales volume including all building materials of such combined operation has not exceeded \$120,000 during any twelve month period since prior to January 1, 1943, the requirement that the above mentioned facilities need to be separately maintained shall not apply.

(b) *Sale out of distribution yard stock.* A sale out of distribution yard stock means a sale made by a distribution yard for shipment of lumber which is a regular part of distribution yard stock and which actually has been sorted, stored, and handled as a regular yard stock by the distribution yard before delivery.

(c) *Quantities.* Quantity is in every instance to be determined by the total amount ordered without regard to the number of kinds or species or grades of lumber included. Furthermore, the amount delivered at a particular time does not determine the quantity. The test is the total amount involved in the transaction.

In determining the size of a sale of shingles or lath, a conversion ratio of 10 squares of shingles to 1,000 board feet of lumber or 6,000 lath to 1,000 board feet of lumber shall be used.

(d) *Wholesale yards.* A wholesale distribution yard means any distribution yard which, during either of the calendar years 1940 or 1941 sold 50 percent or more of its dollar volume of softwood lumber and/or hardwood flooring to other distribution yards, wholesale or retail. In determining the dollar volume of softwood lumber and/or hardwood flooring hereunder, direct-mill sales shall not be included. A wholesale distribution yard as defined herein is not covered by this order and is subject to the provisions of 2nd Revised Maximum Price Regulation No. 215.

(e) *"Wholesale-type" sale.* A "wholesale-type" sale by retail distribution

yards is a sale in any quantity of lumber for use in stowing cargo for water shipment or a sale of 5,000 feet B. M. or more made to one of the following classes of buyers: ("to" means directly to the person named; "for" means to contractors who will use the lumber to fulfill a contract with the person named.)

(1) To or for the United States Government or its agencies;

(2) To, but not for, State Governments (including the District of Columbia) or their political subdivisions; or agencies of any of these;

(3) To an industrial user for use in the fabrication, packaging or shipping of its products;

(4) To, but not for, a railroad;

(5) To or for a shipbuilder, dock-builder, dam builder, or bridge builder.

(f) *Financial connection.* Financial connection means all circumstances of partial or total common ownership or beneficial interest, or profit or loss sharing arrangements.

(g) *Family relationship.* Family relationship means any person related to the seller or to the seller's spouse within the fifth degree either by blood or marriage.

(h) A "wholesale-type" sale as defined herein is not covered by this order and is subject to 2nd Revised Maximum Price Regulation No. 215.

SEC. 6. Relationship of this order to 2d RMPR 215. The maximum prices set forth in this order or any Appendix thereto supersede the maximum prices established by 2nd Revised Maximum Price Regulation No. 215. Except to the extent that they are inconsistent with the provisions of this order, all other provisions of 2nd Revised Maximum Price Regulation No. 215 shall apply to sales covered by this order. Any distribution yard sale of lumber and lumber products subject to 2nd Revised Maximum Price Regulation No. 215 for which a maximum price is not fixed by this order shall remain subject to 2nd Revised Maximum Price Regulation 215.

SEC. 7. Posting. One copy of this order with Amendments, if any, shall be kept on the counter in the office of the seller or if there is no counter at some other equivalent place where it shall be freely available to purchaser for inspection.

SEC. 8. Invoicing and records. (a) Every person making a retail type sale of lumber or lumber products covered by this order must provide the purchaser, whether he requests it or not, with an invoice, sales slip, receipt, or other evidence of sale of which an exact and full copy shall be retained by the seller for the duration of the Emergency Price Control Act of 1942, as amended. The invoice or other evidence of sale shall contain the following information with respect to items subject to this order: respect to items subject to this order:

1. Name and address of seller.

2. Date of sale.

3. Name and address of purchaser (necessary only on sales totaling \$7.50 or more).

4. Description of the item sold, including quantity, grade, length, size, condition, special treatment, workings, and any other matter insofar as any of these matters may affect the price, in full detail necessary to

permit the exact calculation of the applicable maximum price.

5. The invoice must also show whether working, kiln-drying, or treating was done by a distribution yard or custom establishment; if done by a custom establishment a copy of the bill for such services must be attached to distribution yard invoice. Any addition for delivery must be shown separately on the invoice.

6. The total price.

(b) Maximum prices for items improperly invoiced. Where an invoice upon a sale of lumber does not contain a sufficiently complete description to show that the price appearing on its face is within the maximum prices fixed by this order the maximum price applicable to such sale shall be the maximum price of the lowest priced item under this order to which the incomplete description could apply. In the absence of any description the maximum price shall be the lowest price that can be computed under this order.

SEC. 9. *Prohibitive practices.* (a) Any practice which is a device to get the effect of a higher-than-ceiling price without actually raising the price is as much a violation of this order as an outright over-ceiling price. This applies to devices making use of commissions, services, transportation arrangements, premiums, special privileges, tying-agreements, trade understandings, and the like.

(b) The following are some of the specific practices prohibited:

(1) Getting the effect of a higher price by charging credit practices or cash discounts from what they were in August 1941. This includes reducing the cash discount period, decreasing credit periods, or making greater charges for extension of credit. For purposes of this paragraph, no discount over 2 per cent is considered a cash discount. If the seller was not in business in August 1941 the discount for cash shall be as favorable as that prevailing for yards in existence in August 1941 in the applicable area. However, on specific written allocations issued by the Office of Chief of Engineers, War Department, the terms 30 days net may be used by the seller regardless of his established practice.

(2) Selling as specified lengths a shipment of lumber which is substantially equivalent to standard or random lengths.

(3) Grading as a special grade lumber which can be graded as a standard grade; or wrongly grading or invoicing lumber in any other way.

(4) Refusing to sell on an f. o. b. yard basis, and insisting on selling on a delivered basis, except in the case of sales whose price includes free delivery; or refusing to make delivery within the free delivery zone, unless it was not the practice of the seller in March 1942 to make delivery in the particular circumstances, in which case the delivery charge may not exceed that made for the same type of delivery in March 1942.

(5) Quoting a gross price above the maximum price, even if accompanied by a discount the effect of which is to bring the net price below the maximum.

(6) Breaking up an order which would normally be a single order into a series of smaller orders in order to evade the

maximum price limitations in this order.

(7) Delivering or charging for a quantity under 1,000 feet B. M. where 1,000 feet or more was ordered for the purpose of getting the higher mark-up permitted for quantities less than 1,000 feet.

(8) Failing to invoice properly and in accordance with requirements of this order.

(9) Charging, paying or receiving a commission for the service of procuring, buying, selling, or locating lumber, or for any related service (such as "expediting") which does not involve actual physical handling of lumber, if the commission plus the purchase price results in a total payment by the buyer of lumber which is higher than the maximum price of the lumber, except as may be provided in any applicable mill regulation. For purposes of this order, a commission is any compensation, however designated, which is paid for the procurement of lumber. This prohibition has no application to the case of a bona fide employer-employee relationship where the employee serves only one employer, insofar as lumber procurement is concerned, and where the compensation paid by the employer is a fixed salary not based directly or indirectly on the quantity, price or value of the lumber in connection with which the service is rendered.

SEC. 10. *Enforcement.* (a) Persons violating any provision of this order are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

(b) War procurement agencies and their contracting or paying finance officers are not subject to any liability, civil or criminal, imposed by this order. Persons who make sales covered by this order to War Procurement agencies and buyers to whom lumber has been allocated by any such agencies are, however, subject to all the liabilities imposed by this order. "War Procurement Agencies" include the War Department, the Navy Department, the United States Maritime Commission, and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any of their agencies. Such agencies are nevertheless subject to this order.

SEC. 11. *Licensing.* The provision of Licensing Order No. 1, licensing all persons who make sales under price control, are applicable to all sellers subject to this order. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

SEC. 12. *New yards.* Before making any sales of lumber at the maximum prices established by this order, and/or under the provisions of 2nd Revised Maximum Price Regulation 215, any person who has set up or sets up a retail distribution yard covered by this order and/or the provisions of 2nd Revised Maximum Price Regulation 215, or a wholesale distribution yard covered

by 2nd Revised Maximum Price Regulation 215 after December 31, 1942, but who has not received specific approval in writing from the Office of Price Administration of his use of the maximum prices established by 2nd Revised Maximum Price Regulation 215 on his sales of lumber or lumber products must file with the Office of Price Administration District Office nearest the location of his establishment a letter reading as follows:

I (we) propose to establish a lumber distribution yard as defined in Section 16 of 2nd Revised Maximum Price Regulation 215, Distribution Yard Sales of Softwood.

This yard will be known as _____ (give name of company), will be operated as a _____ (wholesale or retail, specify which), lumber distribution yard, and will be located at _____ (give address of yard).

(Signed) _____

SEC. 13. *Petitions for amendment.* Any person seeking an amendment to this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with the Regional Administrator of the Chicago Regional Office of the Office of Price Administration.

SEC. 14. *Revocation of Order G-1 under Rev. Gen. Order 65.* This order specifically revokes and supersedes in its entirety Order G-1 issued under the authority of Revised General Order 65 on January 28, 1946, including Appendices attached thereto.

This order may be amended, modified, or revoked at any time.

This order shall become effective June 15, 1946.

Issued this 3rd day of June 1946.

RAE E. WALTERS,
Regional Administrator.

[F. R. Doc. 46-14284; Filed, Aug. 15, 1946; 1:53 p. m.]

[Region V Order G-37 Under RMPR 251]

ROOFING AND SIDING MATERIAL IN HOUSTON, TEX. AREA

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Regional Administrator of the Office of Price Administration by section 9 of Revised Maximum Price Regulation No. 251, it is hereby ordered:

SECTION 1. *What this order does.* A. This order establishes maximum prices for the sale of certain specified roofing material and certain specified siding material when sold on an installed basis in the Houston, Texas trading area.

B. The "sale of installed roofing material" covered by this order, means a transaction in which the seller furnishes the roofing material together with the services and labor required to incorporate the material into the roof of a building or structure. The sales covered, however, are limited to roofing work performed on buildings or structures of three stories or less in height, and where the sale for any one job is for five or more squares of installed roofing.

C. The "sale of installed siding material," covered by this order, means a transaction in which the seller furnishes the siding material together with the services and labor required to incorporate the material into a building or structure.

D. The Houston, Texas Trading Area means the area comprised of the corporate limits of the Cities of Houston, West University Place, Bellaire, South Side Place, Pasadena, Galena Park and South Houston, all of Harris County, Texas.

E. The term "square" as used in this order means the amount of roofing material or siding material necessary to cover an area of one hundred square feet.

SEC. 2. *Relation of this order to Revised Maximum Price Regulation No. 251.* Except as otherwise provided herein, this order supersedes sections 6, 7 and 8 of Revised Maximum Price Regulation No. 251 with respect to the sales of the installed roofing material and installed siding material covered by this order. All other sections of Revised Maximum Price Regulation No. 251 together with all amendments thereto, that have been or may be issued, shall apply to sales covered by this order except where they are inconsistent with the provisions of this order.

SEC. 3. *Maximum prices.* A. The maximum prices for the sale of installed roofing material, subject to this order, shall be as follows:

1. *Schedule No. 1.*

Item	Maximum prices per square of material sold
a. Asphalt roll, extra heavy, smooth surface, 65-lb. weight nailed on, including one layer applied to valleys, hips and ridges and flashing	\$5.00
b. Asphalt roll roofing, slate surface, 90-lb. weight, all colors (nailed on), including valley, hip, ridges and flashing	5.70
c. Asphalt (composition) shingles:	
(1) Reroof types and Careylock, 16" x 16" 138-140 lbs.; or standard lock, 16" x 16", 150 lbs.; or Dutch lap, 12" x 16", 160-162 lbs.; or hexagon strip 11 1/4", 167 lbs.	8.75
(2) Hexagon lock, 16" x 16", 185 lbs.	10.25
(3) Square butt, strip (3 in line) 12", 210 lbs.	10.50
(4) Thick butt, strip (3 in line) 15", 250 lbs.	12.25
d. If a seller supplies the following commodities, or services or installs the roofing material on or around the type roofs or roof structures described below, in connection with the sale of installed roofing material for which prices are established in this Schedule No. 1, the following charges may be added to those prices:	
(1) When valley composition is doubled, per linear ft.	.15
(2) For Boston type hips and ridges, per linear ft.	.15
(3) For flashing a second, third, fourth or fifth flue, each	3.00
(4) For pitches greater than 8/12	1.00
(5) If the roof covers a 2-story building	.50
(6) If the roof covers a 2-story building whose eaves are 28 ft. or more above the ground and	

Item	Maximum prices per square of material sold
whose pitch is 9/12, and not greater than 12/12	2.00
(7) If the roof covers a 2-story building whose eaves are 28 ft. or more above the ground and whose pitch is greater than 12/12	2.50
(8) For one ply 15-lb. asphalt felt applied under composition shingles, including tin caps and nails	1.25
(9) For one ply 30-lb. asphalt felt applied under composition shingles, including tin caps and nails	1.75
e. The maximum prices established in this Schedule No. 1 include charges for the appropriate weather stripping along eaves and gables, metal flashing around dormers and vents and around one flue.	
f. This Schedule No. 1 does not establish maximum prices for items such as bracing of roof, replacing bad roof sheathing and renailing or removing old shingles.	
2. <i>Schedule No. 2.</i>	
a. Reroof work, 2-ply 15-lb. asphalt felt (first ply nailed on or spot mopped; second ply mopped on solid and mopped top), no gravel	6.35
b. Reroof work, 3-ply 15-lb. asphalt felt (first ply nailed on or spot mopped; last 2-ply mopped on solid and mopped top), no gravel	7.90
c. 4-ply 15-lb. asphalt felt (first 2-ply nailed on or spot mopped; last 2-ply mopped on solid and mopped top), no gravel	9.25
d. 4-ply, 1-30-lb. and 2-15-lb. asphalt felt (30-lb. nailed or spot mopped; last 2-ply mopped on solid and mopped top), no gravel	9.25
e. To the prices established for (items a, b, c, and d) the seller may add the following charges where applicable:	
(1) If base felt is mopped on solid, add	.75
(2) If gravel is applied on asphalt top, add	1.25
f. Reroof work, 2-ply 15-lb. tarred felt mopped on solid, mopped solid between sheet poured top with gravel	8.35
g. Reroof work, 3-ply 15-lb. tarred felt mopped on solid, mopped solid between sheets, poured top with gravel	10.65
h. Four-ply 15-lb. tarred felt mopped on solid, mopped solid between sheets, poured top with gravel	12.25
i. Five-ply 15-lb. tarred felt, first 2-ply nailed on, last 3-ply mopped on solid, poured top with gravel (including 5-lb. dry sheet)	14.30
j. Three-ply, 1-15-lb. asphalt felt nailed on or spot mopped, 2-ply 19" 55-lb. selvage edge, 17" mineral surface mopped on solid	10.00
k. Four-ply, 2-15-lb. asphalt felt nailed on or spot mopped, 2-ply 19" 55-lb. selvage edge, 17" mineral surface mopped on solid	11.00
l. The prices established for items listed in this schedule No. 2 include charges for the removal of old gravel and screening and reusing same, when performed, on all tar and gravel reroofing jobs.	
m. The prices established for items listed in this Schedule No. 2 do not include charges for any flashing or sheeting metal work or waterproofing fire walls, other than repairs to existing flashing on 2- or 3-ply reroofing jobs.	

3. *Schedule No. 3.*

Item	Maximum prices per square of material sold
a. Asbestos cement roofing, hexagonal or Dutch lap, 16" x 16" shingle, 265-lb. applied over one ply 15-lb. asphalt felt	\$19.75
(1) The price includes charges for the work on valleys, weather strip along eaves and gables, metal flashing around chimneys, flues, dormers, and vents, starters, closers and hip and ridge shingles.	
(2) To the price established for (item a) a seller may add the following charges where applicable:	
(a) For 1-ply 30-lb. asphalt felt applied under shingles (including tin caps and nails)	.50
(b) Where work is on a roof of 9/12 pitch or greater	1.50
(c) Where work is on a roof covering a building of two or more stories	1.00
b. Asbestos cement roofing, American Colonial, 30" x 14" or a similar type shingle, 285-lb. applied over 1-ply 15-lb. asphalt felt	20.75
(1) The price includes charges for the work on valleys, weather strip along eaves and gables, metal flashing around chimneys, flues, dormers, and vents, starters, closers and hip and ridge shingles.	
(2) To the price established for (item b) a seller may add the following charges where applicable:	
(a) For 1-ply 30-lb. asphalt felt applied under shingles (including tin caps and nails)	.50
(b) Where work is on a roof of 9/12 pitch or greater	1.50
(c) Where work is on a roof covering a building of 2 or more stories	1.00
4. When a seller makes a sale of installed roofing subject to Schedules No. 2 and 3 and guarantees the roofing job in writing, supported by a surety bond, he may add the following charges to the appropriate prices established in Schedules No. 2 and 3:	
	Per square
10 years guarantee	\$0.50
15 years guarantee	.75
20 years guarantee	1.00
B. The maximum prices for the sale of installed siding material, subject to this order, shall be as follows:	
1. <i>Schedule No. 1.</i>	
	Maximum prices per square of material sold
a. Asbestos cement siding standard surface hardness, standard colors, white or buff, 12" x 24" or 12" x 27", applied over 1-ply 15-lb. asphalt felt, asphalt felt joint strip, caulked around all openings, corner boards, etc., molding around openings if necessary (area computed on gross basis)	\$20.35
b. To the price established for (item a) above, a seller may add the following charges where applicable:	
(1) For 1-ply 30-lb. asphalt felt applied under siding	.75
(2) For any portion of siding applied on second story	1.00
(3) For applying siding on second story only, where no siding is applied to first story	2.00
(4) For extra hard surface siding	2.50

SEC. 4. *Lump sum or guaranteed price.* A. A seller may offer to or make sales covered by this order on the basis of a

lump sum or guaranteed price, but such lump sum or guaranteed price must not be greater than the maximum price figured in accordance with the pricing methods and requirements of this order.

B. Recomputation. Within thirty days after the completion of the installation of any roofing material or siding material sold subject to this order for which a price was charged on the basis of a lump sum or guaranteed price, the seller shall check his prices by reviewing the categories and other factors used in his estimate on the basis of the actual services rendered and material furnished and shall determine whether the price quoted, charged or collected is higher than the maximum price computed under this order. In the event that the price quoted, charged or collected is higher than the maximum price computed under the terms of this order the seller shall reduce his price to the proper maximum price and shall refund the buyer within such period of thirty days after the completion of the service any excess which may have been collected, or, if no excess has been collected, then, by written notice to the buyer, shall cancel the indebtedness of the buyer for any such excess, or both, as the case may require. Such a charge or collection in an amount in excess of the maximum price properly computed in accordance with this order shall not be considered to be a violation of this order if the amount thereof is refunded or credited to the buyer in accordance with this paragraph.

SEC. 5. Sales not covered by this order. If in connection with any sale covered by this order any sales of installed building materials or construction services are made for which maximum prices are not fixed by this order, such sales shall be separately priced and billed on all invoices and sales slips. The maximum prices for such other sales shall be computed under Revised Maximum Price Regulation No. 251 or other applicable regulation or area order.

SEC. 6. Record keeping and sales invoices. A. Each seller making a sale covered by this order must keep a copy of the sales invoice furnished the purchaser, as required in Paragraph B of this section, at his place of business available for inspection by representatives of the Office of Price Administration for so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

B. Each seller making a sale covered by this order shall furnish to each purchaser a sales invoice reflecting the following information:

1. The name and address of the seller and the purchaser
2. The location of the premises
3. An itemized description of the materials and services involved, the quantity sold, the price per square and the total price charged
4. A statement to the effect that the prices charged do not exceed those authorized by this General Order No. G-37

SEC. 7. Enforcement. A. Persons violating any provision of this order are subject to the civil and criminal penalties, including suits for triple damages provided for by the Emergency Price Control Act of 1942, as amended.

B. Persons who have any evidence of any violation of this order are urged to communicate with the Houston, Texas, District Office of Price Administration.

SEC. 8. Amendment or revocation. This order may be amended or revoked at any time by a specific action taken by the Regional Administrator, Region V, or the issuance of any price regulation or amendment by the Price Administrator, the provisions of which are contrary to this order.

Lower than maximum prices may be charged, paid or received.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871, and E.O. 9328, 8 F.R. 4681)

Issued at Dallas, Texas, and effective this 25th day of June 1946.

W. A. ORTH,
Regional Administrator.

[F. R. Doc. 46-14118; Filed, Aug. 13, 1946; 2:11 p. m.]

[San Antonio Order G-2 Under Gen. Order 68, Amdt. 2]

CERTAIN BUILDING MATERIALS IN TRAVIS COUNTY, TEX.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order No. 68 and Order No. G-2; *It is hereby ordered*, That Order No. G-2 under General Order No. 68 be amended in the following respects:

1. In Appendix A the items and prices set forth below are amended to read as follows:

Name of item and basic unit	Maximum price f. o. b. plant, yard, siding or store, or delivered in free delivery zone
2.5-lb. black metal lath, noncopper bearing: Sq. yd.	\$0.28
3.4-lb. black metal lath, noncopper bearing: Sq. yd.	.34
3.4-lb. galvanized metal lath: Sq. yd.	.37
Asbestos cement siding, standard colors, 12 x 24 or 27: Square	10.26
Asbestos cement siding, white 12 x 24 or 27: Square	10.27
Asbestos cement roofing, shingles, economy cut hexagonal: Square	11.10
Asphalt or tarred felt, 15-lb.: Roll (432 sq. ft.)	3.01
Asphalt or tarred felt, 30-lb.: Roll (216 sq. ft.)	3.01

2. The following items and prices in Appendix A are deleted:

Fire brick, 9" straight, high temp.: Less than 1000	\$95.00
Fire brick, 9" straight, high temp.: more than 1000	90.00
Fire brick, 9" straight, low temp.: 1000	72.00
Fire clay, low temp.: ton	20.00
Fire clay, low temp.: 100-lb. bag	1.25
Fire clay, high temp.: ton	25.00
Fire clay, high temp.: 100-lb. bag	1.25

This order shall become effective July 1, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; and E.O. 9328, 8 F.R. 4681)

Issued at San Antonio, Texas, this 1st day of July 1946.

C. T. GIESEN,
District Director.

[F. R. Doc. 46-13252; Filed, July 30, 1946; 12:36 p. m.]

[Sioux Falls Order G-2 Under Gen. Order 68, Amdt. 1]

BUILDING AND CONSTRUCTION MATERIALS IN WATERTOWN, S. DAK., AREA

For the reasons set forth in the accompanying opinion and pursuant to the authority vested in the District Director of the Sioux Falls District Office, Region VI, of Sioux Falls, South Dakota, of the Office of Price Administration, the maximum prices set forth in Revised Appendix A are amended to read as set forth on the attached Revised Appendix A¹ effective July 26, 1946).

This Amendment No. 1 to Revised Order No. G-2 shall become effective July 26, 1946.

Issued this 26th day of July 1946.

E. J. WINTERSTEEN,
District Director.

[F. R. Doc. 46-14275; Filed, Aug. 15, 1946; 1:46 p. m.]

[Sioux Falls Order G-3 Under Gen. Order 68, Amdt. 1]

BUILDING AND CONSTRUCTION MATERIALS IN RAPID CITY, S. DAK., AREA

For the reasons set forth in the accompanying opinion and pursuant to the authority vested in the District Director of the Sioux Falls District Office, Region VI, of Sioux Falls, South Dakota, of the Office of Price Administration, the maximum prices set forth in Revised Appendix A of the Rapid City Area are amended to read as set forth on the attached Revised Appendix A¹ (effective July 26, 1946).

This Amendment No. 1 to Revised Order No. G-3 shall become effective July 26, 1946.

Issued this 26th day of July 1946.

E. J. WINTERSTEEN,
District Director.

[F. R. Doc. 46-14276; Filed, Aug. 15, 1946; 1:46 p. m.]

[Sioux Falls Order G-4 Under Gen. Order 68, Amdt. 1]

BUILDING AND CONSTRUCTION MATERIALS IN MITCHELL, S. DAK. AREA

For the reasons set forth in the accompanying opinion and pursuant to the authority vested in the District Director of the Sioux Falls District Office, Region VI, of Sioux Falls, South Dakota, of the

¹ Filed as part of the original document.

Office of Price Administration, the maximum prices set forth in Revised Appendix A of the Mitchell Area are amended to read as set forth in the attached Revised Appendix A¹ (effective July 26, 1946).

This Amendment No. 1 to Revised Order No. G-4 shall become effective July 26, 1946.

Issued this 26th day of July, 1946.

E. J. WINTERSTEEN,
District Director.

[F. R. Doc. 46-14277; Fil Aug. 15, 1946;
1:47 p. m.]

[Sioux Falls Order G-5 Under Gen. Order 68]
BUILDING AND CONSTRUCTION MATERIALS IN
ABERDEEN, S. DAK. AREA

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order 68, it is ordered:

SECTION 1. What this order covers. This order covers all retail sales made by any sellers except a manufacturer of commodities specified in Appendix A¹ delivered to a purchaser in the Aberdeen area. The Aberdeen area for the purposes of this order consists of the area within the corporate city limits of Aberdeen, South Dakota.

SEC. 2. Definitions. (a) For the purposes of this order, a retail sale means a sale to an ultimate user, or to any contractor; *Provided*, That for the purposes of this order, a "retail sale" shall not include any sale to the United States Government or any of its political subdivisions.

(b) Any person who sells material or equipment, and in connection therewith, assumes responsibility for its incorporation into a building, structure, or construction project at a fixed site, by charging a single price for the commodity installed, by guaranteeing performances and use; or by other objective evidence, shall be considered a contractor.

(c) Purchases by applicators, as herein defined, of asphalt and tarred roofing products and insulation are excluded from the coverage of this order. Applicators are herein defined as contractors engaged exclusively in the business of applying roofing and/or siding and/or insulation to buildings.

(d) A yard sale means the sale of any quantity of any of the building or construction materials covered by this order to any person.

SEC. 3. Relation to other regulations. The maximum prices fixed by this order supersede any maximum price or pricing method previously fixed by any other regulation or order covering the commodities specified in Appendix A¹. Except to the extent that they are inconsistent with the provisions of this order, all other provisions of the General Maximum Price Regulation, 3d RMPR 13, MPR 44 (except as to sales covered by MPR 525), MPR 293 (except as to sales covered by MPR 525), and MPR 381, shall continue to apply to sales covered by this order.

¹ Filed as part of the original document.

SEC. 4. Maximum prices. (a) The maximum prices for yard sales for the building and construction materials covered by this order shall be the prices set forth in Appendix A¹.

(b) The prices listed as maximum prices in the Appendix¹ are all f. o. b. yard or store.

SEC. 5. Discounts, allowances and delivery practices. (a) Each seller subject to this order must maintain his customary terms, discounts and allowances in sales to each class of purchaser which he had in effect during March, 1942.

(b) Each seller covered by this order may charge for deliveries within the area described in section 1 hereof at the same rates and on the same conditions that such seller had in effect in March, 1942.

SEC. 6. Posting of maximum prices. (a) Every seller making sales covered by this order shall post a copy of the list of maximum prices fixed by this order for such sales in each of his places of business in the area covered by this order in a manner plainly visible to all purchasers. Posting may be accomplished by the seller by removing the second copy of Appendix A¹ of this order and posting the same in a conspicuous place on his premises.

(b) *Notification.* Every seller making sales covered by this order shall, if requested by the purchaser, make available to the purchaser for inspection a copy of this order.

SEC. 7. Sales slips and records. Every seller covered by this order shall give to the purchaser a sales slip, receipt, or other evidence of purchase which shall show the date, name and address of the seller, the description, quantity, and the price of each item sold, said description to be in detail sufficient to determine whether the price charged has been properly computed under this order; provided that for sales of less than a total of \$7.50 only the name and address of the seller and the amount of the sale need be shown. The seller shall prepare such sales slips, receipts, or other evidence of purchase in duplicate and he must keep for at least 6 months after delivery such duplicate copy delivered pursuant to this section. For any sale of \$50.00 or more each seller, regardless of previous custom, must keep records showing at least the following:

- (1) Name and address of buyer
- (2) Date of transaction
- (3) Place of delivery
- (4) Complete description of each item sold and price charged

SEC. 8. Evasion. On and after the effective date of this order, any person covered by this order, who sells or offers to sell at a price higher than the ceiling price permitted by this order, or otherwise violates any of the provisions of this order, shall be subject to the criminal penalties, civil enforcement actions, license suspension proceedings and suits for treble damages as provided for by the Emergency Price Control Act of 1942, as amended. No person subject to this order may evade any of the provisions of the order by any stratagem, scheme or device. No person subject to this or-

der may, as a condition of selling any particular item of building and construction material covered by this order require a customer to buy anything else. Any such evasion is punishable as a violation of this order.

SEC. 9. This order may be modified, amended, or revoked at any time.

This order shall become effective July 26, 1946.

Issued this 26th day of July 1946.

E. J. WINTERSTEEN,
District Director.

[F. R. Doc. 46-14278; Filed, Aug. 15, 1946;
1:47 p. m.]

[Sioux Falls Order G-5 Under Gen. Order 68,
Amdt. 1]

BUILDING AND CONSTRUCTION MATERIALS IN
ABERDEEN, S. DAK., AREA

For the reasons set forth in the accompanying opinion and pursuant to the authority vested in the District Director of the Sioux Falls District Office, Region VI, of Sioux Falls, South Dakota, of the Office of Price Administration, the maximum prices set forth in Revised Appendix A of the Aberdeen Area are amended to read as set forth on the attached Revised Appendix A¹ (effective July 26, 1946).

This Amendment No. 1 to Revised Order No. G-5 shall become effective July 26, 1946.

Issue this 26th day of July 1946.

E. J. WINTERSTEEN,
District Director.

[F. R. Doc. 46-14279; Filed, Aug. 15, 1946;
1:47 p. m.]

[Region VI, Order G-12 Under Rev. SO 119]

HARDWOOD PRODUCTS CORP.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the provisions of section 6 of Revised Supplementary Order No. 119, it is ordered:

(a) *What this order does.* This order establishes maximum prices for sales of flush doors manufactured by the Hardwood Products Corporation, Neenah, Wisconsin (hereinafter referred to as the "manufacturer").

(b) *Manufacturer's maximum prices.* For sales covered by Maximum Price Regulation No. 293, the manufacturer's maximum prices for flush doors which have solid cores of any species of lumber (except fir, larch, spruce, or hemlock) and which have veneer faces of any species listed in section 26 (d) of Revised Maximum Price Regulation No. 293, shall be the manufacturer's maximum price as of October 1941, plus 30.14 percent; *Provided, however*, That all increases allowed pursuant to the provisions of Revised Maximum Price Regulation No. 293 shall

¹ Filed with original document.

be offset against the 30.14 per cent increase.

(c) *Jobber's maximum prices.* All jobbers of flush doors manufactured by the Hardwood Products Corporation covered by this order shall determine their maximum prices in accordance with the provisions of Maximum Price Regulation No. 525.

(d) *Manufacturer and jobbers must maintain customary discounts, allowances, and handling and delivery charges.*

(e) *Retailer.* All retailers of flush doors covered by this order shall determine their maximum prices after the effective date of this order in accordance with section 9 of Maximum Price Regulation No. 293.

(f) *Notification.* At the time of or prior to the first invoice to the purchaser for resale, the manufacturer shall furnish such purchaser with a copy of this order.

(g) *Definitions.* (1) Jobber means any person, except a retailer or an ultimate consumer, who buys flush doors subject to this order for resale out of his warehouse.

(2) Retailer is any person who purchases flush doors subject to this order and sells them to an ultimate consumer.

(h) *Applicability.* The maximum prices established by this order are applicable to all sales and deliveries of flush doors subject to this order made in the continental United States.

This order may be amended, modified, or revoked at any time.

This Order No. G-12 shall become effective on the 1st day of August, 1946.

Issued this 1st day of August 1946.

EARL W. CLARK,
Acting Regional Administrator.

[F. R. Doc. 46-14280; Filed, Aug. 15, 1946;
1:48 p. m.]

[Region VIII Rev. Order G-98 Under 18 (c),
Amdt. 4]

ALDER, MAPLE, BIRCH AND COTTONWOOD LUMBER

An opinion accompanying this amendment has been issued simultaneously herewith. Revised Order No. G-98 under § 1499.18 (c) of the General Maximum Price Regulation is amended in the following respects:

1. Subparagraph (c) (1) is amended to read as follows: (1) For 4/4" rough, green:

	Alder	Maple	Birch	Cotton- wood
Millrun (culls out).....	\$42.50	\$46.50	\$57.50	\$32.30
No. 3 Common.....	18.25	22.25	33.25	8.25
No. 2 Common.....	33.75	42.75	53.75	28.75
No. 1 Common.....	57.75	61.75	72.75	47.75
No. 2 Common and Better.....	54.40	58.40	69.40	44.40
No. 1 Common and Better.....	67.15	81.15	82.15	57.15
FAS.....	80.00	84.00	95.00	65.00
Clear one face.....	98.75	102.75	113.75	88.75

"No. 2 Common and Better" and "No. 1 Common and Better" means the entire out-turn of the log of Grade No. 2 or Grade No. 1 Common, as the case may be, or better.

2. Subparagraph (c) (8) is amended to read as follows: (8) Reference to grades and other terms in this Revised Order

No. G-98 shall be construed in accordance with the following rules:

STANDARD GRADES

(a) The standard grades of hardwood lumber are Firsts, Seconds, No. 1 Common, No. 2 Common, and No. 3 Common, and Clear One Face.

CLEAR ONE FACE

(b) Widths: 4 inches and wider.
(c) Lengths: 6 feet and longer.
(d) Heart center will not be admitted.
(e) One side must be all clear, opposite side must not be lower than No. 2 Common and Better.

FIRSTS AND SECONDS (FAS)

(f) In the combined grade, Firsts and Seconds, the quantity of Firsts shall be not less than 35 percent.
(g) Widths: 4" and wider.
(h) Lengths: 6' to 8' or longer, of which 10 percent may be 6'.
(i) Apply Paragraphs 56 to 61, inclusive, of the National Hardwood Lumber Association Rules as of January, 1945.

FIRSTS

(j) Firsts admits pieces that will yield 11/12 (91 2/3 %) clear-face cuttings as follows:
Alder and Cottonwood: 2' to 5' surface measure, on one cutting; 6' to 8' in two cuttings; 9' and up in three cuttings.
Maple and Birch: 3' to 6' surface measure, in one cutting; 7' to 9' in two cuttings; 10' and up in three cuttings.

SECONDS

(k) Seconds admits pieces that will yield 10/12 (83 1/3 %) or 11/12 (91 2/3 %) clear-face cuttings as follows:
Alder and Cottonwood: 2' to 4' surface measure 10/12 (83 1/3 %), in one cutting; 5' to 7' in two cuttings; 8' and up in three cuttings.
Maple and Birch: 3' to 5' surface measure 10/12 (83 1/3 %), in one cutting; 6' to 8' in two cuttings; 9' and up in three cuttings.

COMMONS

(l) Apply the National Hardwood Lumber Association Rules as of January, 1945, as follows:
No. 1 Common: Paragraphs 70 to 74, inclusive.
No. 2 Common: Paragraphs 75 to 79, inclusive.
No. 3 Common: Paragraphs 81 to 83, inclusive.

This amendment shall become effective August 19, 1946.

Issued this 9th day of August 1946.

BEN C. DUNIWAY,
Regional Administrator.

[F. R. Doc. 46-14273; Filed, Aug. 15, 1946;
1:45 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register August 15, 1946:

Region VII

Albuquerque Order 46, Amendment 2, covering dry groceries in the Northwestern, Central and Extreme Southwestern New Mexico area. Filed 9:47 a. m.

Albuquerque Order 47, Amendment 2, covering dry groceries in certain areas in New Mexico. Filed 9:46 a. m.

Helena Order 116, covering dry groceries in Billings, Butte and Great Falls. Filed 9:51 a. m.

Helena Order 117, covering dry groceries in certain counties in Montana. Filed 9:51 a. m.

Helena Order 118, covering dry groceries in Helena, East Helena, Bozeman, Livingston, Kalispell, and Missoula areas. Filed 9:50 a. m.

Helena Order 119, covering dry groceries in certain areas in Montana. Filed 9:50 a. m.

Helena Order 120, covering dry groceries in Havre, Chinook, Glasgow, Sidney, Glendive, Miles City, and Lewistown areas. Filed 9:49 a. m.

Helena Order 121, covering dry groceries in certain counties in Montana. Filed 9:48 a. m.

Helena Order 122, covering dry groceries in the State of Montana and certain towns in Wyoming. Filed 9:48 a. m.

Region VIII

Arizona Revoking Order 23, covering dry groceries. Filed 9:31 a. m.

Arizona Revoking Order 25, covering dry groceries. Filed 9:32 a. m.

Arizona Revoking Order 26, covering dry groceries. Filed 9:32 a. m.

Arizona Order 27, covering dry groceries in the Navajo-Hopi Indian Reservation area. Filed 9:31 a. m.

Arizona Order 33, covering dry groceries in the Eastern Arizona area. Filed 9:31 a. m.

Arizona Order 35, covering dry groceries in the Northwestern Arizona area. Filed 9:30 a. m.

Los Angeles Order 3-F, Amendment 58, covering fresh fruits and vegetables in the Los Angeles Metropolitan area. Filed 9:46 a. m.

Los Angeles Order 4-F, Amendment 57, covering fresh fruits and vegetables in the San Bernardino-Riverside area. Filed 9:46 a. m.

Los Angeles Order 5-F and 6-F, Amendment 57, covering fresh fruits and vegetables in the Santa Barbara, Ventura and San Luis Obispo areas. Filed 9:45 a. m.

Los Angeles Order 7-F, Amendment 41, covering fresh fruits and vegetables in the Bakersfield area. Filed 9:45 a. m.

Los Angeles Order 8-F, Amendment 38, covering fresh fruits and vegetables in the San Diego Metropolitan area. Filed 9:44 a. m.

Los Angeles Order 9-F, Amendment 37, covering fresh fruits and vegetables in certain areas in California. Filed 9:44 a. m.

Los Angeles Order 10-F, Amendment 37, covering fresh fruits and vegetables in Imperial county. Filed 9:34 a. m.

Los Angeles Order 11-F, Amendment 4, covering fresh fruits and vegetables in the Kern Extended area. Filed 9:34 a. m.

Los Angeles Order 12-F, Amendment 4, covering fresh fruits and vegetables in the Desert area. Filed 9:33 a. m.

Los Angeles Order 13-F, Amendment 4, covering fresh fruits and vegetables in the San Bernardino Extended area. Filed 9:32 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 46-14288; Filed, Aug. 15, 1946;
4:22 p. m.]

[San Antonio Order G-3 Under Gen. Order 68, Amdt. 2]

BUILDING MATERIALS IN NUECES COUNTY, TEX.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the provisions of General Order No. 68 and Order G-3; *It is hereby ordered*, That Order No. G-3 under General Order 68 be amended in the following respects:

1. In Appendix A the items and prices set forth below are amended to read as follows:

Name of item and basic unit	Maximum price, f. o. b. plant, yard, siding or store, or delivered in free delivery zone
2.5-lb. metal lath, black non-copper bearing: Sq. yd.	\$0.32
2.5-lb. metal lath, painted diamond mesh: Sq. yd.	.32
2.5-lb. metal lath, galvanized: Sq. yd.	.37
3.4-lb. metal lath, black non-copper bearing: Sq. yd.	.37
3.4-lb. metal lath, painted diamond mesh: Sq. yd.	.37
3.4-lb. metal lath, galvanized: Sq. yd.	.41
Asbestos cement siding, 12 x 24 or 27, standard colors: Square	10.16
Asbestos cement siding, 12 x 24 or 27, white: Square	10.27

2. In Appendix A the following items and prices are deleted:

Fire brick, 9" straight, high temp.: 1,000	\$85.00
Fire brick, 9" straight, low temp.: 1,000	79.00
Fire clay, low temp.: 100-lb. bag	1.35

This order shall become effective July 1, 1946.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; and E.O. 9328, 8 F.R. 4681)

Issued at San Antonio, Texas, this 1st day of July 1946.

C. T. GIESEN,
District Director.

[F. R. Doc. 46-14496; Filed, Aug. 19, 1946; 4:24 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 54-81]

MIDDLE WEST CORP. ET AL.

ORDER GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 16th day of August 1946.

In the matter of the Middle West Corporation, Central and South West Utilities Company and American Public Service Company; File No. 54-81.

The Commission, by order dated April 30, 1946, having approved a plan of Central and South West Utilities Company and American Public Service Company, which was joined in by The Middle West Corporation, providing, among other things, for the merger of Central and South West Utilities Company and American Public Service Company and

for the reclassification of the preference and common stocks of Central and South West Utilities Company into a single class of common stock in a company to be called Central and South West Corporation; and

The Commission having approved such plan, subject, among other things, to the conditions specified in Rule U-24 and that the proposed transactions be carried out within sixty days from the entry of an order by an appropriate United States District Court to enforce the plan; and

The United States District Court for the District of Delaware having entered an order to enforce the plan on June 19, 1946; and

The Middle West Organization, Central and South West Utilities Company, and American Public Service Company having requested that the time within which the transactions proposed in said plan may be consummated be extended beyond August 19, 1946 for a sufficient period of time that the transactions contemplated by the plan may be completed; and

The Commission having considered such request and deeming it appropriate that an extension of time be granted:

It is ordered, That the conditions contained in said order dated April 30, 1946 be, and they are hereby, modified to extend to October 19, 1946 the time within which the transactions proposed in said plan are to be consummated.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-14445; Filed, Aug. 19, 1946; 10:05 a. m.]

[File No. 70-1347]

NEW JERSEY POWER & LIGHT COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 15th day of August 1946.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by New Jersey Power & Light Company (New Jersey), a subsidiary of NY PA NJ Utilities Company, a registered holding company which, in turn, is a subsidiary of General Public Utilities Corporation, also a registered holding company.

All interested persons are referred to such document which is on file in the offices of this Commission for a statement of the transaction therein proposed, which may be summarized as follows:

New Jersey proposes to sell all of its gas utility assets used for the manufacture, transmission, distribution and sale of gas in Sussex, Hunterdon, Warren and Mercer Counties, New Jersey, constituting all of New Jersey's gas system and properties for a consideration of \$361,100 plus certain adjustments to the date of closing.

Rena R. Carver, Calvin R. Carver and Doris C. Fearon, who have contracted with New Jersey for the purchase of its

gas system and properties have formed three New Jersey corporations, namely, City Gas Company of New Jersey, City Gas Company of Phillipsburg, N. J., and City Gas Company of Newton, N. J., to take title to such gas properties.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matter and that said declaration shall not become effective except pursuant to further order of this Commission:

It is hereby ordered, That a hearing on such matter under the applicable provisions of said act and rules of the Commission promulgated thereunder be held on August 29, 1946, at 10 a. m., e. d. s. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, at which time the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. At such hearing cause shall be shown why such declaration shall become effective. Any persons desiring to be heard in such proceeding shall file with the Commission, on or before August 26, 1946, his request therefor as provided by Rule XVII of the rules of practice of the Commission.

It is further ordered, That Allen MacCullen or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by said declaration otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the consideration to be received by New Jersey for its gas utility assets is fair and reasonable;

2. The propriety of the accounting treatment to reflect the proposed transaction on the books of New Jersey; and

3. Generally, whether the proposed transaction is in all respects in the public interest and in the interest of investors and consumers and consistent with the applicable requirements of the act and of the rules thereunder, or, if not, whether and what modifications or terms and conditions should be required or imposed to satisfy the statutory standards.

It is further ordered, That notice of such hearing be given to declarant and to all other interested persons; said notice to be given to declarant by registered mail, and to all other persons by general release of the Commission which shall be distributed to the press and mailed to persons on the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication in the FEDERAL REGISTER.

By the Commission.
[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 46-14444; Filed, Aug. 19, 1946; 10:05 a. m.]